



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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GOEWERMENSKENNISGEWING

DEPARTEMENT VAN SAMEWERKING EN ONTWIKKELING

No. R. 2568

25 November 1983

PERSONEELREGULASIES VIR DIE SWART PLAASLIKE BESTURE

Ek, George de Villiers Morrison, Adjunk-minister van Samewerking, handelende namens en in opdrag van die Minister van Samewerking en Ontwikkeling, vaardig hierby, kragtens die bevoegdheid hom verleen by artikel 56 (1) van die Wet op Swart Plaaslike Besture, 1982 (Wet 102 van 1982), die regulasies uit wat in die Bylae hiervan vervat is en wat van toepassing is in die gebied van elke plaaslike bestuur totdat sodanige plaaslike bestuur sy eie verordeninge betreffende die sake hierin vermeld, gemaak het.

G. DE V. MORRISON, Adjunk-minister van Samewerking.

(Lêer A2/14/3/B)

BYLAE

WOORDOMSKRYWING

1. In hierdie regulasies, tensy uit die samehang anders blyk, beteken—

(i) "aanvangsdatum van diens"—

- (a) in die geval van 'n werknemer of tydelike werknemer van 'n plaaslike bestuur, die datum van diensaanvaarding by sodanige plaaslike bestuur;
- (b) in die geval van 'n werknemer of tydelike werknemer wat na 'n ontwikkelingsraad oorgeplaas is, die datum van diensaanvaarding by 'n plaaslike bestuursliggaam;
- (c) in die geval van 'n werknemer of tydelike werknemer wat ingevolge artikel 6 (1A) van die Wet op Gemeenskapsrade, 1977 (Wet 125 van 1977), na 'n gemeenskapsraad oorgeplaas is, die datum van diensaanvaarding by 'n ontwikkelingsraad;

GOEWERMENSKENNISGEWING

DEPARTMENT OF CO-OPERATION AND DEVELOPMENT

No. R. 2568

25 November 1983

BLACK LOCAL AUTHORITIES STAFF REGULATIONS

I, George de Villiers Morrison, Deputy Minister of Co-operation, acting on behalf and by direction of the Minister of Co-operation and Development, do hereby, by virtue of the powers vested in him by section 56 (1) of the Black Local Authorities Act, 1982 (Act 102 of 1982), make the regulations contained in the Schedule hereto to apply in the area of each local authority until such time as such local authority has made its own by-laws relating to the matters referred to herein.

G. DE V. MORRISON, Deputy Minister of Co-operation.

(File A2/14/3/B)

SCHEDULE

DEFINITIONS

1. In these regulations, unless the context otherwise indicates—

- (i) "accommodation" shall mean lodging, bedding, meals, liquid refreshments (excluding alcoholic liquor), laundry (excluding dry-cleaning), hotel board levy and service charge;
- (ii) "Act" shall mean the Black Local Authorities Act, 1982 (Act 102 of 1982);
- (iii) "breath testing apparatus" shall mean an apparatus approved by a local authority by means of which the breath of an employee or temporary employee may be tested or analysed to establish whether or not the alcohol content of the blood of such employee or temporary employee exceeds a certain limit;

- (d) in die geval van 'n werknemer of tydelike werknemer wat ingevolge artikel 4 (2) (b) van die Wet na 'n plaaslike bestuur oorgeplaas is, die datum van diensaanvaarding by 'n gemeenskapsraad bedoel in die Wet op Gemeenskapsrade, 1977 (Wet 125 van 1977);
- (e) in die geval van 'n werknemer of tydelike werknemer wat kragtens artikel 36 (1) van die Wet na 'n plaaslike bestuur oorgeplaas is, die datum van diensaanvaarding by 'n ontwikkelingsraad bedoel in die Wet op die Administrasie van Swart Sake, 1971 (Wet 45 van 1971);
- (ii) "amptelike diensure" die amptelike diensure deur 'n plaaslike bestuur kragtens regulasie 22 (2) bepaal;
- (iii) "asemtoetsapparaat" 'n apparaat deur 'n plaaslike bestuur goedgekeur, deur middel waarvan die asem van 'n werknemer of tydelike werknemer getoets of ontleed kan word om te bepaal of die alkoholinhoud van die bloed van bedoelde werknemer of tydelike werknemer 'n bepaalde perk oorskry, al dan nie;
- (iv) "Direkteur" die Direkteur van Plaaslike Bestuur in artikel 3 van die Wet bedoel;
- (v) "emolumente" die salaris of loon wat normaalweg aan 'n werknemer of tydelike werknemer van 'n plaaslike bestuur betaal word, en sluit dit in 'n toelae wat aan sodanige werknemer of tydelike werknemer betaal word wat nie deel uitmaak van sodanige salaris of loon nie, dog wat betaal word ooreenkomstig voorskrifte wat die Direkteur van tyd tot tyd uitreik;
- (vi) "geleentheidswerker" iemand deur 'n plaaslike bestuur aangestel vir die verrigting van pligte wat sal eindig of by die verstryking van 'n bepaalde tyd of by voltooiing van die betrokke werk;
- (vii) "gereedheidsdiens" die tydperk waartydens daar kragtens regulasie 26 van 'n werknemer of tydelike werknemer vereis word dat hy by sy gewone woonplek voltyds beskikbaar moet wees vir die diens van 'n plaaslike bestuur;
- (viii) "geregisteerde kind" 'n kind van 'n werknemer of 'n tydelike werknemer wat hy ingevolge regulasie 60 geregistreer het;
- (ix) "geregisteerde vrou" 'n vrou van 'n werknemer of 'n tydelike werknemer wat hy ingevolge regulasie 60 geregistreer het;
- (x) "getroude werknemer" 'n werknemer of tydelike werknemer wat getroud is, hetsy by siviele reg of by erkende gebruik, en wie se vennoot in sodanige huwelik geregistreer is ingevolge regulasie 60, en ook 'n werknemer of tydelike werknemer wie se huwelik ontbind is maar wat 'n kind het wat van hom afhanklik is en by hom inwoon en wat ingevolge regulasie 60 geregistreer is;
- (xi) "herberg" slaapplek, beddegoed, etes, vloeibare verversings (uitgesonderd alkoholiese drank), die was en stryk van wasgoed (uitgesonderd droogskoonmaak), hotelraadheffings en diensheffings;
- (iv) "calendar month" shall mean a period extending from a particular day in one month to the day preceding the numerically corresponding day in the following month, both days inclusive;
- (v) "commencing date of service" shall mean—
 - (a) in the case of an employee or temporary employee of a local authority, the date of assumption of duty with such local authority;
 - (b) in the case of an employee or temporary employee transferred to a development board, the date of assumption of duty with a local government body;
 - (c) in the case of an employee or temporary employee transferred to a community council in terms of section 6 (1A) of the Community Councils Act, 1977 (Act 125 of 1977), the date of assumption of duty with a development board;
 - (d) in the case of an employee or temporary employee transferred to a local authority in terms of section 4 (2) (b) of the Act, the date of assumption of duty with a community council referred to in the Community Councils Act, 1977 (Act 125 of 1977);
 - (e) in the case of an employee or temporary employee transferred to a local authority in terms of section 36 (1) of the Act, the date of assumption of duty with a development board referred to in the Black Affairs Administration Act, 1971 (Act 45 of 1971);
- (vi) "cycle" shall mean a period of three years calculated from a date determined by a local authority and every succeeding period of three years;
- (vii) "day of rest" shall mean—
 - (a) a Sunday or public holiday in the case of an employee or temporary employee who normally does not perform work for a local authority on such day;
 - (b) any other day on which an employee or temporary employee who normally performs work for a local authority on a Sunday or public holiday is relieved from duty; or
 - (c) a Saturday, Sunday or public holiday in the case of an employee or temporary employee who normally performs work for a local authority on five days in each week;
- (viii) "development board" shall mean an administration board established or deemed to have been established in terms of section 2 (1) of the Black Affairs Administration Act, 1971 (Act 45 of 1971);
- (ix) "Director" shall mean the Director of Local Government referred to in section 3 of the Act;
- (x) "emoluments" shall mean the salary or wages normally paid to an employee or temporary employee of a local authority, including any allowance paid to such employee or temporary employee which does not constitute part of such salary or wages but which is paid in accordance with directions issued by the Director from time to time;

- (xii) "huishouding", met betrekking tot 'n werknemer of 'n tydelike werknemer, die vrou van sodanige werknemer of tydelike werknemer en 'n kind of familielid van sodanige werknemer of tydelike werknemer wat permanent by hom inwoon en van hom afhanklik is;
- (xiii) "kalendermaand" 'n tydperk wat strek van 'n bepaalde dag in 'n maand tot en met die dag voorafgaande aan die numeriek ooreenstemmende dag in die volgende maand;
- (xiv) "maand" 'n tydperk wat strek van die eerste tot en met die laaste dag van enigeen van die 12 maande van 'n jaar;
- (xv) "Minister" die Minister van Samewerking en Ontwikkeling;
- (xvi) "normale werkplek" die plek waar die ver naamste pligte van 'n werknemer of tydelike werknemer verrig word of moet word, of 'n ander plek wat as sy normale werkplek aangewys is of deur 'n plaaslike bestuur of deur 'n werknemer of tydelike werknemer wat deur die betrokke plaaslike bestuur behoorlik daartoe gemagtig is;
- (xvii) "ononderbroke diens" die tydperk wat begin op die datum van diensaanvaarding en wat eindig op die datum van die finale beëindiging van diens, met inbegrip van alle tydperke waarin 'n werknemer of tydelike werknemer afwesig is met goedgekeurde verlof, van water aard ook al, en alle tydperke van skorsing in die diens wat gevolg word deur herstel in dieselfde of ander pligte, en met inbegrip voorts van vorige diens bedoel in die woord omskrywing van "aanvangsdatum van diens";
- (xviii) "ontwikkelingsraad" 'n administrasieraad ingestel of geag ingestel te wees ingevolge artikel 2 (1) van die Wet op die Administrasie van Swart Sake, 1971 (Wet 45 van 1971);
- (xix) "persoonlike besittings" die roerende goed, met inbegrip van voertuie, van 'n werknemer of tydelike werknemer en van sy huishouding wat normaalweg vir persoonlike gebruik aangewend word, maar nie lewende hawe, huisdiere of troeteldiere nie;
- (xx) "plaaslike bestuur" 'n stadsraad of 'n dorpsbestuur;
- (xxi) "plaaslike bestuursgebied", met betrekking tot 'n plaaslike bestuur, die gebied waarvoor sodanige plaaslike bestuur ingestel is;
- (xxii) "rusdag"—
 - (a) 'n Sondag of 'n openbare feesdag in die geval van 'n werknemer of tydelike werknemer wat nie gewoonlik op sodanige dag werk vir 'n plaaslike bestuur verrig nie;
 - (b) 'n ander dag waarop 'n werknemer of tydelike werknemer wat gewoonlik op 'n Sondag of 'n openbare feesdag vir 'n plaaslike bestuur werk verrig, van diens vrygestel is; of
 - (c) 'n Saterdag, Sondag, of openbare feesdag in die geval van 'n werknemer of tydelike werknemer wat normaalweg werk vir 'n plaaslike bestuur verrig op vyf dae in elke week;
- (xi) "employee" shall mean an employee, including an employee as contemplated in section 34 of the Act but excluding a temporary employee referred to in regulation 2 (a), who is in the service of a local authority, who has been appointed for the performance of duties arising from the normal continuous and uninterrupted activities of a local authority, and who is entitled to remuneration for his services;
- (xii) "fixed establishment" shall mean the posts created for the normal and regular requirements of a local authority;
- (xiii) "household" shall mean, in relation to an employee or temporary employee, the wife of such employee or temporary employee and any child or relative of such employee or temporary employee who is permanently resident with and dependent on him;
- (xiv) "incremental month" shall mean the month during which the salary of an employee or temporary employee is to be increased in accordance with the salary scale which is applicable to him;
- (xv) "leave gratuity" shall mean the amount payable to an employee or temporary employee in terms of regulation 46 (1);
- (xvi) "local authority" shall mean a town council or village council;
- (xvii) "local authority area", in relation to a local authority, shall mean the area for which such local authority has been established;
- (xviii) "married employee" shall mean an employee or temporary employee who is married, either by civil rites or by recognised custom, and whose partner in such marriage has been registered in terms of regulation 60, including an employee or temporary employee whose marriage has been dissolved but who has a child who is dependent on and resident with him and who has been registered in terms of regulation 60;
- (xix) "Minister" shall mean the Minister of Co-operation and Development;
- (xx) "month" shall mean a period extending from the first to the last day, both days inclusive, of any one of the 12 months of a year;
- (xxi) "normal place of work" shall mean the place where the principal duties of an employee or temporary employee are or have to be performed or any other place which may be indicated as his normal place of work by a local authority or by an employee or temporary employee duly authorised thereto by the local authority concerned;
- (xxii) "occasional worker" shall mean a person appointed by a local authority for the performance of duties which will cease either at the expiry of a specified time or on completion of the work concerned;
- (xxiii) "official hours of attendance" shall mean the official hours of attendance determined by a local authority in terms of regulation 22 (2);
- (xxiv) "personal effects" shall mean the movable property including vehicles of an employee or temporary employee and of his household which are normally applied for personal use, but excluding livestock, domestic animals and pets;

- (xxiii) "salaris", met betrekking tot 'n werknemer of tydelike werknemer, die vergoeding wat aan sodanige werknemer of tydelike werknemer betaalbaar is vir die dienste wat hy aan 'n plaaslike bestuur lewer of moet lewer, met uitsluiting van nie-pensioendraende toelaes;
- (xxiv) "salarisverhoging" die goedgekeurde bedrag waarmee 'n salaris volgens die toepaslike salarisskaal verhoog moet word;
- (xxv) "salarisverhogingstydperk" 'n tydperk van 12 maande;
- (xxvi) "siklus" 'n tydperk van drie jaar gereken vanaf 'n datum deur 'n plaaslike bestuur bepaal en elke daaropvolgende tydperk van drie jaar;
- (xxvii) "tydelike werknemer" 'n tydelike werknemer wat in die voltydse diens van 'n plaaslike bestuur in 'n pos op sy vaste diensstaat aangestel is soos in regulasie 4 bedoel;
- (xxviii) "vaste diensstaat" die poste geskep vir die normale en gereelde behoeftes van 'n plaaslike bestuur;
- (xxix) "verblyftoelae" betaling wat bedoel is om 'n werknemer of tydelike werknemer te vergoed vir redelike uitgawes wat hy, benewens sy normale bestaansuitgawes by sy tuiste, noodwendig aan herberg moet aangaan wanneer hy in amptelike diens van sy normale werkplek afwesig is;
- (xxx) "verhogingsmaand" die maand waarin die salaris van 'n werknemer of tydelike werknemer verhoog staan te word ooreenkomstig die salarisskaal wat op hom van toepassing is;
- (xxxi) "verlofgratifikasie" die bedrag aan 'n werknemer of tydelike werknemer betaalbaar ingevolge regulasie 46 (1);
- (xxxii) "weduwee" die vrou of vennoot in 'n gebruiklike verbintenis, ingevolge regulasie 60 geregistreer, van 'n werknemer of tydelike werknemer wat oorlede is;
- (xxxiii) "Wet" die Wet op Swart Plaaslike Besture, 1982 (Wet 102 van 1982);
- (xxxiv) "werkdag" enige dag van die week, uitgesonderd 'n rusdag;
- (xxxv) "werknemer" 'n werknemer, met inbegrip van 'n werknemer in artikel 34 van die Wet bedoel maar met uitsondering van 'n tydelike werknemer in regulasie 2 (a) bedoel, wat in diens is by 'n plaaslike bestuur, wat aangestel is vir die vervulling van pligte wat ontstaan uit die normale voortdurende en ononderbroke werksaamhede van 'n plaaslike bestuur, en wat op vergoeding vir sy dienste geregtig is.
- (xxv) "registered child" shall mean a child of an employee or temporary employee registered by him in terms of regulation 60;
- (xxvi) "registered woman" shall mean a wife of an employee or temporary employee registered by him in terms of regulation 60;
- (xxvii) "salary", in relation to an employee or temporary employee, shall mean the remuneration payable to such an employee or temporary employee for services rendered or to be rendered to a local authority, excluding any non-pensionable allowances;
- (xxvii) "salary increment" shall mean the approved amount by which a salary is to be increased according to the appropriate salary scale;
- (xxix) "salary incremental period" shall mean a period of 12 months;
- (xxx) "stand-by duty" shall mean the period during which an employee or temporary employee is required in terms of regulation 26 to be available full-time at his normal residence for service to a local authority;
- (xxxi) "subsistence allowance" shall mean a payment designed to compensate an employee or temporary employee in respect of reasonable expenses over and above his normal living expenses at his home necessarily incurred by him for accommodation whilst absent from his normal place of work on official duty;
- (xxxii) "temporary employee" shall mean a temporary employee appointed to the full-time service of a local authority against a post on its fixed establishment as contemplated in regulation 4;
- (xxxiii) "uninterrupted service" shall mean the period commencing on the date of assumption of duty, ending on the date of final termination of service and including all periods of absence from duty of the employee or temporary employee on approved leave, irrespective of the nature thereof, and all periods of suspension from duty followed by restoration to the same or other duties, and including also previous service referred to in the definition of "commencing date of service";
- (xxxiv) "widow" shall mean the wife or partner in a customary union, registered in terms of regulation 60, of an employee or temporary employee who is deceased;
- (xxxv) "working day" shall mean any day of the week other than a day of rest.

BEHARTIGING VAN ADMINISTRASIE

2. Die werk verbonde aan die verrigting deur 'n plaaslike bestuur van sy werksaamhede word verrig deur—
 - (a) werknemers (met inbegrip van persone voorheen in die diens van 'n gemeenskapsraad of 'n ontwikkelingsraad en na sodanige plaaslike bestuur oorgeplaas soos in artikels 4 en 36 van die Wet bedoel) en tydelike werknemers wat in die voltydse diens van sodanige plaaslike bestuur in poste op sy vaste diensstaat aangestel is soos in regulasie 4 bedoel;
 - (b) geleentheidswerkers deur sodanige plaaslike bestuur aangestel vir bepaalde doeleindes;

MANAGEMENT OF ADMINISTRATION

2. The work incidental to the performance by a local authority of its functions shall be performed by—
 - (a) employees (including persons formerly in the service of a community council or a development board and transferred to such local authority as contemplated in sections 4 and 36 of the Act) and temporary employees appointed to the full-time service of such local authority against posts on its fixed establishment, as contemplated in regulation 4;
 - (b) occasional workers appointed by such local authority for specific purposes;

- (c) persone wat in die diens is van 'n ontwikkelingsraad of van 'n ander by wet ingestelde liggaam en wat kragtens artikel 35 van die Wet aan sodanige plaaslike bestuur beskikbaar gestel of gesekeundeer is;
- (d) personeel van 'n ontwikkelingsraad waar sodanige plaaslike bestuur by ooreenkoms met sodanige raad gereël het dat genoemde raad sy werksaamhede sal verrig.

AANSTELLINGS, HERAANSTELLINGS EN BEVORDERINGS VAN WERKNEMERS

3. (1) Die aanstelling, heraanstelling of bevordering van 'n werknemer of tydelike werknemer word deur 'n plaaslike bestuur gedoen: Met dien verstande dat 'n aanstelling in of bevordering tot die pos van Hoof- Uitvoerende Beambte of 'n Departementshoof skriftelik deur die Direkteur goedgekeur moet word.
- (2) Indien 'n werknemer of tydelike werknemer wie se dienste om watter rede ook al beëindig is, met of sonder onderbreking van diens heraanstelling word deur 'n plaaslike bestuur, word sodanige heraanstelling vir alle doeleindes geag 'n nuwe aanstelling te wees.

AANSTELLING VAN WERKNEMERS IN TYDELIKE HOEDANIGHEID

4. (1) Indien 'n pos op die vaste diensstaat van 'n plaaslike bestuur nie deur 'n permanente bekleër gevul kan word nie, kan sodanige pos gevul word deur aanstelling op 'n voltydse grondslag van 'n geskikte persoon in 'n tydelike hoedanigheid.
- (2) 'n Plaaslike bestuur kan 'n geskikte persoon in 'n tydelike hoedanigheid aanstel om 'n pos bykomend by die vaste diensstaat te vul, wanneer die bekleër van 'n pos op die vaste diensstaat afwesig of siek is of wanneer dit, om die een of ander rede, nodig is om die personeel van sodanige plaaslike bestuur tydelik aan te vul.
- (3) Werknemers in 'n tydelike hoedanigheid word aangestel deur 'n persoon deur die betrokke plaaslike bestuur daartoe gemagtig.
- (4) Die dienste van 'n werknemer vermeld in subregulasie (3) kan met wedersydse kennisgewing van minstens 24 uur beëindig word op 'n wyse deur die betrokke plaaslike bestuur van tyd tot tyd bepaal.

VOORWAARDES AANGAANDE AANSTELLING VAN WERKNEMERS

5. (1) Niemand word as werknemer aangestel nie, tensy hy—
 - (a) aanneemlike dokumentêre bewys lewer van sy kwalifikasies, vorige ondervinding en geboortedatum;
 - (b) 'n burger is van die Republiek van Suid-Afrika of van 'n onafhanklike land waarvan die grondgebied voorheen deel van die Republiek van Suid-Afrika uitgemaak het, en tensy sy aanwesigheid in of toelating tot die betrokke plaaslike bestuursgebied wettig is ingevolge die bepalings van die Swartes (Stadsgebiede) Konsolidasiewet, 1945 (Wet 25 van 1945); en

(c) persons who are in the service of a development board or of any other body established by law and who are placed at the disposal of or seconded to such local authority in terms of section 35 of the Act;

(d) staff of a development board where such local authority has by agreement with such board arranged for the said board to perform its functions.

APPOINTMENTS, REAPPOINTMENTS AND PROMOTIONS OF EMPLOYEES

3. (1) The appointment, reappointment or promotion of any employee or temporary employee shall be effected by a local authority: Provided that an appointment or promotion to the post of Chief Executive Officer or the Head of a Department shall be approved by the Director in writing.
- (2) Should an employee or temporary employee whose services were terminated for any reason whatsoever be re-appointed by a local authority, with or without a break in service, such re-appointment shall for all purposes be deemed to be a new appointment.

APPOINTMENT OF EMPLOYEES IN TEMPORARY CAPACITY

4. (1) If a post on the fixed establishment of a local authority cannot be filled by a permanent incumbent, such post may be filled by the appointment on a full-time basis of a suitable person in a temporary capacity.
- (2) A local authority may appoint a suitable person in a temporary capacity to a post additional to the fixed establishment, when the incumbent of a post on the fixed establishment is absent or ill or when, for whatever reason, it becomes necessary to supplement the staff of such local authority temporarily.
- (3) Employees in a temporary capacity shall be appointed by a person authorised thereto by the local authority concerned.
- (4) The services of an employee referred to in sub-regulation (3) may be terminated by at least 24 hours' notice given by either party in such manner as the local authority concerned may from time to time determine.

CONDITIONS CONCERNING APPOINTMENT OF EMPLOYEES

5. (1) No person shall be appointed as an employee unless he—
 - (a) submits acceptable documentary proof of his qualifications, previous experience and date of birth;
 - (b) is a citizen of the Republic of South Africa or of an independent country whose territory was formerly part of the territory of the Republic of South Africa and unless his presence in, or admittance to, the local authority area concerned is legal in terms of the provisions of the Blacks (Urban Areas) Consolidation Act, 1945 (Act 25 of 1945); and

(c) na die mening van die betrokke plaaslike bestuur of 'n geregistreerde geneesheer wat sodanige plaaslike bestuur aanwys, vry is van enige verstandelike of liggaamlike gebrek, siekte of swakheid wat hom waarskynlik by die behoorlike uitvoering van sy pligte sal belemmer of hom waarskynlik sal noodsaak om uit die diens van sodanige plaaslike bestuur te tree voordat hy die pensioenleef-tyd bereik.

- (2) Aanstellings geskied slegs in poste wat deur die Direkteur goedgekeur is.

VULLING VAN POSTE

6. (1) By die vul van 'n pos, hetsy deur aanstelling van 'n persoon of deur bevordering of oorpasing van 'n werknemer of tydelike werknemer, word karakter, buitengewone bekwaamheid, aanleg, algemene en spesiale opleiding en, in die geval van 'n pos wat deur die bevordering of oorpasing van 'n werknemer of tydelike werknemer gevul word, senioriteit en relatiewe verdienstelikheid, in aanmerking geneem, en geen persoon of werknemer of tydelike werknemer word aangestel, bevorder of oorgeplaas om 'n pos te vul nie, tensy hy met betrekking tot ouderdom, kwalifikasies, taalbedrewenheid en ondervinding voldoen aan die vereistes wat die Direkteur vir die vul van sodanige pos bepaal: Met dien verstande dat by gebrek aan 'n geskikte kandidaat of werknemer of tydelike werknemer wat aan genoemde vereistes voldoen, die betrokke plaaslike bestuur, onderworpe aan die Direkteur se goedkeuring, 'n kandidaat of werknemer of tydelike werknemer kan aanstel, bevorder of oorgeplaas, na gelang van die geval, om sodanige pos te vul.
- (2) By die vul van 'n pos word voorkeur verleen aan geskikte werknemers wat voldoen aan die vereistes in subregulasie (1) bedoel.
- (3) Geen persoon of werknemer of tydelike werknemer wat invloed by 'n plaaslike bestuur werf of probeer werf met die doel om aangestel te word in, oorgeplaas te word na of bevorder te word tot 'n pos, word vir sodanige aanstelling, oorpasing of bevordering, na gelang van die geval, in aanmerking geneem nie.

SENIORITEIT

7. By die bepaling van die senioriteit van werknemers of tydelike werknemers in 'n plaaslike bestuur se diens word die volgende in aanmerking geneem:
- (1) Die datum van aanstelling; of
 - (2) die datum van bevordering.

BEVORDERINGS

8. Behoudens die bepalings van hierdie regulasies, word 'n werknemer bevorder slegs indien—
- (a) 'n vakature in 'n hoër of nuutgeskepte hoër pos bestaan; of
 - (b) bevoegdheidsgrense of 'n hoër gradering van toepassing is op die pos wat sodanige werknemer vul, en indien die betrokke werknemer aan al die vereistes vir bevordering voldoen.

AANSTELLINGS, OORPLASINGS EN BEVORDERINGS OP PROEF

9. (1) Aanstellings in, oorpasing na en bevorderings tot poste geskied op proef.

(c) in the opinion of the local authority concerned or a registered medical practitioner appointed by such local authority, is free of any mental or physical defects, illness or weakness likely to hamper him in the proper performance of his duties or to necessitate his retirement from the service of such local authority before he reaches the retirement age.

- (2) Appointments shall be made only to posts approved by the Director.

FILLING OF POSTS

6. (1) In the filling of a post, whether by the appointment of a person or by the promotion or transfer of an employee or temporary employee, character, exceptional proficiency, aptitude, general and special training and, in the case of a post that is being filled by an employee or temporary employee on promotion or transfer, seniority and relative merit shall be taken into consideration, and no person or employee or temporary employee shall be appointed, promoted or transferred to fill any post unless in respect of age, qualifications language proficiency and experience he complies with the requirements laid down by the Director for the filling of such post: Provided that, subject to the approval of the Director, the local authority concerned may, in the absence of any suitable candidate or employee or temporary employee complying with the said requirements, appoint, promote or transfer a candidate or employee or temporary employee, as the case may be, to fill such post.
- (2) In the filling of a post, preference shall be given to suitable employees complying with the requirements referred to in subregulation (1).
- (3) No person or employee or temporary employee who canvasses or attempts to canvass a local authority with the object of being appointed, transferred or promoted to a post shall be considered for such appointment, transfer or promotion, as the case may be.

SENIORITY

7. In determining the seniority of employees or temporary employees in the service of a local authority the following shall be taken into consideration:
- (1) The date of appointment; or
 - (2) the date of promotion.

PROMOTIONS

8. Subject to the provisions of these regulations, an employee shall be promoted only if—
- (a) a vacancy exists in a higher or newly created post; or
 - (b) competence margins or a higher grading is applicable to the post occupied by such employee and if such employee complies with all the requirements for promotion.

APPOINTMENTS, TRANSFERS AND PROMOTIONS ON PROBATION

9. (1) Appointments, transfers or promotions to posts shall be on probation.

- (2) Die proeftyd is minstens ses kalendermaande: Met dien verstande dat as 'n werknemer wat op proef diens doen, oorgeplaas word na of bevorderd word tot 'n ander pos, die betrokke plaaslike bestuur 'n korter proeftyd in die nuwe pos kan magtig wat, saam met die proeftyd in die vorige pos, minstens ses kalendermaande is: Met dien verstande voorts dat die proeftyd van 'n werknemer verleng word met die getal dae verlof wat hy gedurende sodanige proeftyd, of gedurende enige verlenging daarvan, geneem het.
- (3) Indien 'n plaaslike bestuur oortuig is dat gedurende sy proeftyd of verlengde proeftyd 'n werknemer ywerig was en sy gedrag bevredigend, en dat hy in alle opsigte geskik is vir die pos wat hy beklee, kan sodanige plaaslike bestuur, mits sodanige werknemer voldoen het aan al die voorwaardes waaraan sy aanstelling, oorplasing of bevordering onderworpe was, sodanige aanstelling, oorplasing of bevordering bekragtig.
- (4) Indien 'n aanstelling, oorplasing of bevordering op proef nie kragtens subregulasie (3) bekragtig word nie, kan die betrokke plaaslike bestuur die proeftyd verleng: Met dien verstande dat die proeftyd en die verlengde proeftyd gesamentlik nie 12 maande te bowe gaan nie.
- (5) Behoudens die bepalings van subregulasie (6) kan 'n plaaslike bestuur 'n werknemer wat op proef in diens is, ontslaan, hetsy gedurende of by verstryking van die proeftyd—
 - (a) met een maand kennis; of
 - (b) met onmiddellike gevolg, indien sy gedrag onbevredigend is.
- (6) Ondanks die bepalings van regulasie 15 keer 'n werknemer wie se oorplasing of bevordering op proef nie bekragtig word nie en wat onmiddellik voor sodanige oorplasing of bevordering nie op proef was nie, terug na die pos wat hy tevore beklee het, of na 'n pos van gelyke gradering, en na die salaris wat hy in sodanige vorige pos sou bereik het.

OOPLASING VAN WERKNEMERS OF TYDELIKE WERKNEMERS

10. Behoudens die bepalings van hierdie regulasies kan 'n plaaslike bestuur 'n werknemer of tydelike werknemer uit die pos wat hy beklee, oorplaas na enige ander pos.

UITDIENSTREDING, AFDANKING EN ONTSLAG VAN WERKNEMERS OF TYDELIKE WERKNEMERS

11. (1) Behoudens die bepaling van subregulasie (2) het 'n werknemer of tydelike werknemer die reg om uit die diens van die betrokke plaaslike bestuur te tree wanneer hy die leeftyd van 60 jaar bereik en word hy aldus ontslaan wanneer hy genoemde leeftyd bereik.
- (2) Indien dit in 'n plaaslike bestuur se belang is om 'n werknemer of tydelike werknemer in sy pos in diens te hou nadat hy die leeftyd van 60 jaar bereik het, kan hy aldus van tyd tot tyd met sy instemming deur sodanige plaaslike bestuur in diens gehou word vir verdere tydperke wat altesaam vyf jaar nie te bowe mag gaan nie.

- (2) The period of probation shall be not less than six calendar months: Provided that if an employee who is serving on probation is transferred or promoted to any other post the local authority concerned may authorise a lesser period of probation in the new post which, together with the period of probation in the former post, shall be not less than six calendar months: Provided further that the period of probation of an employee shall be extended by the number of days' leave taken by him during such period of probation or any extension thereof.
- (3) If a local authority is satisfied that during his period of probation or extended period of probation an employee has been diligent and his conduct uniformly satisfactory and that he is in all respects suitable for the post which he holds, such local authority may, provided such employee has complied with all the conditions to which his appointment, transfer or promotion was subject, confirm such appointment, transfer or promotion.
- (4) If a probationary appointment, transfer or promotion, is not confirmed, in terms of subregulation (3), the local authority concerned may extend the probationary period: Provided that the probationary period and the extended probationary period together shall not exceed 12 months.
- (5) Subject to the provisions of subregulation (6), a local authority may discharge an employee who is serving on probation either during or at the expiry of the period of probation—
 - (a) on one month's notice; or
 - (b) with immediate effect if his conduct is unsatisfactory.
- (6) Notwithstanding the provisions of regulation 15, an employee whose probationary transfer or promotion is not confirmed and who, immediately prior to such transfer or promotion, was not on probation shall revert to the post formerly held by him or to a post of equivalent grading, and to the salary he would have attained in such former post.

TRANSFER OF EMPLOYEES OR TEMPORARY EMPLOYEES

10. Subject to the provisions of these regulations, a local authority may transfer an employee or temporary employee from the post he holds to any other post.

RETIREMENT AND DISCHARGE OF EMPLOYEES OR TEMPORARY EMPLOYEES

11. (1) Subject to the provisions of subregulation (2), an employee or temporary employee shall have the right to retire from the service of the local authority concerned on attaining the age of 60 years and shall be so retired upon reaching the said age.
- (2) If it is in a local authority's interest to retain an employee or temporary employee in service in his post beyond the age of 60 years, he may with his consent be so retained from time to time by such local authority for further periods which together shall not exceed five years.

(3) 'n Plaaslike bestuur kan, met ingang van 'n datum deur sodanige bestuur bepaal, 'n werknemer of tydelike werknemer uit sy diens ontslaan—

- (a) weens voortdurende swak gesondheid;
- (b) weens die afskaffing van sy pos of 'n vermindering of herreëling van die werksaamhede van sodanige plaaslike bestuur;
- (c) weens ongeskiktheid vir sy pligte of onvermoë om sy pligte op bekwame wyse uit te voer;
- (d) indien, om ander redes as sy eie ongeskiktheid of onvermoë, sy ontslag doeltreffendheid of besuiniging sal bevorder in die kantoor waarin hy in diens is;
- (e) weens wangedrag;
- (f) indien, in die geval van 'n werknemer wat op proef aangestel is, sy aanstelling nie bekragtig word nie;
- (g) weens die verbeuring van enige sertifikaat van bevoegdheid, lisensie of magtiging waarsonder sodanige werknemer of tydelike werknemer nie die pligte mag uitvoer waarvoor hy in die diens van sodanige plaaslike bestuur aangestel is nie;

Met dien verstande dat 'n werknemer of tydelike werknemer se dienste nie beëindig word terwyl hy met goedgekeurde verlof met betaling is nie: Met dien verstande voorts dat minstens twee maande kennis van beëindiging van diens gegee word aan 'n werknemer of tydelike werknemer in paragrawe (b) en (d) hierbo, vermeld.

(4) (a) Indien 'n werknemer of tydelike werknemer sonder verlof vir 'n tydperk van 7 of meer agtereenvolgende werkdade van sy pligte wegbly, word hy geag weens wangedrag uit die diens van die betrokke plaaslike bestuur ontslaan te wees met ingang van die datum wat onmiddellik volg op die laaste dag waarop hy op sy normale werkplek teenwoordig was.

(b) Indien 'n werknemer of tydelike werknemer sonder verlof van sy pligte wegbly en ander werk aanvaar, word hy geag ontslaan te wees soos in subregulasie (a) bedoel, ongeag die duur van sy afwesigheid.

(5) 'n Werknemer of tydelike werknemer word geag vrywillig uit die diens van 'n plaaslike bestuur te getree het met ingang van die datum waarop hy—

- (a) nominasie aanvaar as kandidaat vir verkiesing tot 'n gemeenskapsraad vermeld in die Wet op Gemeenskapsrade, 1977 (Wet 125 van 1977), of tot 'n plaaslike bestuur; of
- (b) sonder die voorafverkreë skriftelike toestemming van die plaaslike bestuur—
 - (i) nominasie aanvaar as kandidaat vir verkiesing tot 'n wetgewende vergadering vermeld in die Grondwet van die Nasionale State, 1971 (Wet 21 van 1971), of tot 'n gebiedsowerheid of streekowerheid vermeld in die Wet op Swart Owerhede, 1951 (Wet 68 van 1951);
 - (ii) aangewys word as lid van 'n wetgewende vergadering vermeld in die Grondwet van die Nasionale State, 1971 (Wet 21 van 1971); of

(xi) "employee" shall mean an employee, including an employee as contemplated in section 34 of the Act but excluding a temporary employee referred to in regulation 2 (a), who is in the service of a local authority, who has been appointed for the performance of duties arising from the normal continuous and uninterrupted activities of a local authority, and who is entitled to remuneration for his services;

(xii) "fixed establishment" shall mean the posts created for the normal and regular requirements of a local authority;

(xiii) "household" shall mean, in relation to an employee or temporary employee, the wife of such employee or temporary employee and any child or relative of such employee or temporary employee who is permanently resident with and dependent on him;

(xiv) "incremental month" shall mean the month during which the salary of an employee or temporary employee is to be increased in accordance with the salary scale which is applicable to him;

(xv) "leave gratuity" shall mean the amount payable to an employee or temporary employee in terms of regulation 46 (1);

(xvi) "local authority" shall mean a town council or village council;

(xvii) "local authority area", in relation to a local authority, shall mean the area for which such local authority has been established;

(xviii) "married employee" shall mean an employee or temporary employee who is married, either by civil rites or by recognised custom, and whose partner in such marriage has been registered in terms of regulation 60, including an employee or temporary employee whose marriage has been dissolved but who has a child who is dependent on and resident with him and who has been registered in terms of regulation 60;

(xix) "Minister" shall mean the Minister of Co-operation and Development;

(xx) "month" shall mean a period extending from the first to the last day, both days inclusive, of any one of the 12 months of a year;

(xxi) "normal place of work" shall mean the place where the principal duties of an employee or temporary employee are or have to be performed or any other place which may be indicated as his normal place of work by a local authority or by an employee or temporary employee duly authorised thereto by the local authority concerned;

(xxii) "occasional worker" shall mean a person appointed by a local authority for the performance of duties which will cease either at the expiry of a specified time or on completion of the work concerned;

(xxiii) "official hours of attendance" shall mean the official hours of attendance determined by a local authority in terms of regulation 22 (2);

(xxiv) "personal effects" shall mean the movable property including vehicles of an employee or temporary employee and of his household which are normally applied for personal use, but excluding livestock, domestic animals and pets;

- (iii) erken of aangestel word as lid van 'n stamowerheid vermeld in die Wet op Swart Owerhede, 1951 (Wet 68 van 1951).

WANGEDRAG

12. (1) 'n Werknemer is skuldig aan wangedrag en daar kan ooreenkomstig die bepalings van regulasie 13 met hom gehandel word, indien hy—
- (a) 'n bepaling van hierdie regulasies oortree of versuim om te voldoen aan 'n bepaling daarvan waaraan dit sy plig is om te voldoen;
 - (b) 'n daad wat nadelig is vir die administrasie van 'n plaaslike bestuur of vir die doeltreffendheid of dissipline van 'n kantoor van 'n plaaslike bestuur, doen, laat doen of toelaat of oogluikend toelaat dat dit gedoen word;
 - (c) 'n wettige bevel wat aan hom gegee is deur 'n persoon wat die bevoegdheid het om dit te gee, nie gehoorsaam nie, verontagsaam of opsetlik versuim om dit uit te voer, of deur woord of gedrag hom aan insubordinasie skuldig maak;
 - (d) nalating of traag is in die vervulling van sy pligte;
 - (e) sonder die toestemming van die betrokke plaaslike bestuur enige private agentskap of private werk onderneem;
 - (f) hom in die openbaar uitlaat oor die administrasie van 'n plaaslike bestuur;
 - (g) hom op 'n skandelijke, onbehoorlike of onbetaamlike wyse gedra of hom, terwyl hy diens doen, aan growwe onbeleefdheid teenoor 'n persoon skuldig maak;
 - (h) buitensporig gebruik maak van sterk drank of bedwelmende middels;
 - (i) te eniger tyd gedurende sy normale werksure—
 - (i) onder die invloed van sterk drank of bedwelmende middels is; of
 - (ii) 'n bloedalkoholinhoud het, uitgedruk in milligram per honderd milliliter bloed, van minstens 80 milligram (0,08 %);
 - (j) 'n toesighoudende posisie beklee en, wetende dat—
 - (i) 'n werknemer onder sy toesig 'n bepaling van hierdie regulasies oortree het of
 - (ii) 'n tydelike werknemer onder sy toesig 'n bepaling van sy diensvoorwaardes oortree het,
- versuim om sodanige oortreding onverwyld aan die betrokke plaaslike bestuur te rapporteer;
- (k) insolvent word of 'n akkoord met sy skuldeisers aangaan, tensy daar bewys word dat sy insolvensie of akkoord die gevolg is van onvermydelike teenspoed;
 - (l) in geldelike moeilikheid geraak, tensy daar bewys word dat sy geldelike moeilikheid nie die gevolg is van onversigtigheid of ander laakbare oorsaak nie en nie nadelig is vir die getroue uitvoering van sy pligte nie;
 - (m) sonder dat hy eers die toestemming van die betrokke plaaslike bestuur of 'n werknemer deur die plaaslike bestuur daartoe aangewys, verkry het, inligting wat hy ingewin of waaraan hy gekom het as gevolg van sy werk in die diens van die plaaslike bestuur, openbaar

- (iii) is acknowledged or appointed to be a member of a tribal authority referred to in the Black Authorities Act, 1951 (Act 68 of 1951).

MISCONDUCT

12. (1) An employee shall be guilty of misconduct and may be dealt with in accordance with the provisions of regulation 13 if he—
- (a) contravenes any provision of these regulations or fails to comply with any provision thereof with which it is his duty to comply;
 - (b) does, or causes or permits to be done, or connives at, any act which is prejudicial to the administration of a local authority, or to the efficiency or discipline of an office of a local authority;
 - (c) disobeys, disregards, or makes wilful default in carrying out a lawful order given to him by a person having authority to give it, or by word or conduct displays insubordination;
 - (d) is negligent or indolent in the discharge of his duties;
 - (e) undertakes, without the permission of the local authority concerned, any private agency or private work;
 - (f) publicly comments upon the administration of a local authority;
 - (g) conducts himself in a disgraceful, improper or unbecoming manner, or whilst on duty is grossly discourteous to any person;
 - (h) uses intoxicants or stupefying drugs to excess;
 - (i) at any time during his normal working hours—
 - (i) is under the influence of intoxicating liquor, or stupefying drugs; or
 - (ii) has a blood alcohol content, expressed in milligrams per hundred millilitres of blood, of not less than 80 milligrams (0,08%).
 - (j) occupies a supervisory position and knowing that—
 - (i) an employee under his supervision has contravened any provision of these regulations or
 - (ii) a temporary employee under his supervision has contravened any provision of his conditions of service,
- fails to report such contravention to the local authority concerned immediately;
- (k) becomes insolvent or compromises with his creditors, unless it is shown that his insolvency or composition has been occasioned by unavoidable misfortune;
 - (l) becomes pecuniarily embarrassed, unless it is shown that his pecuniary embarrassment has not been occasioned by imprudence or other reprehensible cause and is not prejudicial to the faithful performance of his duties;
 - (m) without first having obtained the permission of the local authority concerned or an employee designated thereto by the local authority, discloses otherwise than in the discharge of his official duties, information gained by or conveyed to him through his

maak anders as in die vervulling van sy ampspligte of sodanige inligting gebruik vir 'n ander doel as vir die vervulling van sy ampspligte, hetsy hy sodanige inligting openbaar maak of nie;

- (n) sonder die toestemming van die betrokke plaaslike bestuur, enige kommissie, geld of beloning (geldelik of anders), wat nie die emolumente is wat ten opsigte van sy pligte aan hom betaalbaar is nie, aanneem of dit eis ten opsigte van die uitvoering van sy pligte of die versuim om sy pligte uit te voer, of versuim om aan sodanige plaaslike bestuur die aanbod van so 'n kommissie, geld of beloning te rapporteer;
 - (o) hom eiendom van 'n plaaslike bestuur wederregtelik toeëien, dit opsetlik of op nalatige wyse beskadig of onbehoorlike gebruik daarvan maak onder sodanige omstandighede dat sy daad nie 'n kriminele misdryf uitmaak nie;
 - (p) 'n kriminele misdryf begaan en tot gevangenisstraf vir 'n tydperk van meer as ses maande veroordeel word;
 - (q) sonder verlof of geldige rede van sy kantoor, werkplek of diens wegbly; of
 - (r) met die oog op die verkryging van enige voorreg of voordeel met betrekking tot sy amptelike posisie of sy pligte, of met die oog op die veroorsaking van enige nadeel of skade aan 'n plaaslike bestuur of 'n persoon in die diens van sodanige plaaslike bestuur, 'n valse of onjuiste verklaring doen, wetende dat dit vals of onjuis is.
- (2) Indien daar te eniger tyd vasgestel word dat—
- (a) (i) 'n werknemer ten tyde van sy aansoek om 'n betrekking in die diens van 'n plaaslike bestuur insolvent was;
 - (ii) 'n werknemer 'n akkoord met sy skuldeisers aangegaan het en dat sodanige akkoord ten tyde van sy aansoek om 'n betrekking in die diens van 'n plaaslike bestuur nog nie bestaan het;
 - (iii) 'n werknemer te eniger tyd voordat hy aansoek om 'n betrekking in die diens van 'n plaaslike bestuur gedoen het, 'n kriminele misdryf begaan het, en dat hy versuim het, waar hy daarom gevra is, om hierdie feit in sodanige aansoek te meld; of
 - (b) 'n werknemer, in sy aansoek om 'n betrekking in die diens van 'n plaaslike bestuur, valse inligting verstrek het; word sodanige werknemer geag skuldig te wees aan wangedrag en kan die betrokke plaaslike bestuur ooreenkomstig regulasie 13 met hom handel.
- (3) (a) 'n Werknemer wat 'n toesighoudende posisie beklee, kan 'n werknemer van wie hy redelikerwys vermoed dat laasgenoemde skuldig is aan wangedrag soos in subregulasie (1) (i) bedoel, gelas om—
- (i) in 'n asemtoetsapparaat uit te asem vir die tydperk wat hy bepaal;
 - (ii) 'n ondersoek deur 'n mediese praktisyn te ondergaan, met inbegrip van bloedtoetse wat sodanige mediese praktisyn nodig ag om die alkoholinhoud van die bloed van sodanige werknemer te bepaal; of

employment in the service of the local authority, or uses such information for any purpose other than for the discharge of his official duties, whether or not he discloses such information;

- (n) without the permission of the local authority concerned accepts or demands in respect of the carrying out of or the failure to carry out his duties, any commission, fee or reward (pecuniary or other) not being the emoluments payable to him in respect of his duties or fails to report to such local authority the offer of any such commission, fee or reward;
 - (o) misappropriates, or damages by wilful or negligent action, or improperly uses any property of a local authority under such circumstances that his act does not constitute a criminal offence;
 - (p) commits a criminal offence and is sentenced to imprisonment for a period in excess of six months;
 - (q) absents himself from his office, place of work or duty without leave or valid cause; or
 - (r) with a view to obtaining any privilege or advantage in relation to his official position, or his duties, or to causing prejudice or injury to a local authority or a person in the employ of such local authority, makes a false or incorrect statement, knowing it to be false or incorrect.
- (2) If at any time it is established that—
- (a) (i) an employee was insolvent at the time of his application for employment in the service of a local authority;
 - (ii) an employee had compromised with his creditors and that such composition was still in existence at the time of his application for employment in the service of a local authority;
 - (iii) an employee at any time prior to his application for employment in the service of a local authority had committed a criminal offence and that he failed where he was asked about any such offence in such application to mention this fact; or
 - (b) an employee furnished false information in his application for employment in the service of a local authority; such employee shall be deemed to be guilty of misconduct and the local authority concerned may deal with him in accordance with regulation 13.
- (3) (a) An employee holding a supervisory position may order an employee whom he reasonably suspects to be guilty of misconduct as contemplated in subregulation (1) (i) to—
- (i) breathe into a breath testing apparatus for such period as he may direct;
 - (ii) undergo an examination by a medical practitioner, including any blood test which such medical practitioner may deem necessary in order to determine the alcohol content of the blood of such employee; or

- (iii) in 'n asemtoetsapparaat uit te asem en om hom aan die ondersoek in subparagraaf (ii) bedoel, te onderwerp.
- (b) Indien—
 - (i) 'n werknemer versuim of weier om in 'n asemtoetsapparaat uit te asem of hom aan 'n ondersoek te onderwerp nadat hy kragtens paragraaf (a) daartoe gelas is; of
 - (ii) die asemtoetsapparaat wys dat die alkoholinhoud van die bloed van 'n werknemer 'n perk oorskry wat die betrokke plaaslike bestuur vir daardie besondere tipe asemtoetsapparaat gespesifiseer 502202het, word sodanige werknemer geag skuldig te wees aan wangedrag bedoel in subregulasie (1) (i) en kan die plaaslike bestuur ooreenkomstig regulasie 13 met hom handel.

PROSEDURE IN GEVALLE VAN ONBEKWAME WERKNEMERS EN VAN WANGEDRAG

13. (1) Indien daar na die mening van 'n plaaslike bestuur redelike gronde bestaan om te vermoed dat 'n werknemer ongeskik is vir sy pligte of nie in staat is om sy pligte op bekwame wyse uit te voer nie of aan wangedrag skuldig is, stel sodanige plaaslike bestuur, uit die geledere van die lede van sodanige plaaslike bestuur en van sy werknemers of werknemers wat kragtens artikel 35 van die Wet aan sodanige plaaslike bestuur beskikbaar gestel is, 'n komitee van drie lede (hierna "die komitee" genoem) aan om ondersoek na sodanige vermoede in te stel, en wys een van die lede van die komitee as voorsitter aan.
- (2) In die geval van—
 - (a) 'n ondersoek om vas te stel of 'n werknemer ongeskik is vir sy pligte of nie in staat is om sy pligte op bekwame wyse uit te voer nie, bepaal die komitee die tyd en plek van sodanige ondersoek, en gee aan sodanige werknemer redelike skriftelike kennis van die tyd en plek aldus bepaal, en verstrek aan hom 'n skriftelike uiteensetting van die redes op grond waarvan beweerd word dat hy ongeskik is vir sy pligte of nie in staat is om sy pligte op bekwame wyse uit te voer nie;
 - (b) 'n ondersoek om vas te stel of 'n werknemer aan wangedrag skuldig is, word die aanklag aan sodanige werknemer beteken deur 'n werknemer wat die betrokke plaaslike bestuur vir die doel aanwys.
- (3) 'n Aanklag van wangedrag bevat 'n aansegging of gaan vergesel van 'n aansegging waarby die aangeklaagde werknemer aangesê word om, binne 'n tydperk van 21 dae wat in sodanige aansegging vermeld word, 'n skriftelike erkenning of ontkenning van die aanklag te stuur aan of af te lewer by 'n persoon wat ook in sodanige aansegging vermeld word en, indien sodanige werknemer dit verlang, ook 'n skriftelike verklaring van die wangedrag waarvan hy aangekla word.
- (4) 'n Plaaslike bestuur kan te eniger tyd voor of nadat 'n werknemer van wangedrag aangekla is, die werknemer in sy diens skors.

- (iii) breathe into a breath testing apparatus and undergo the examination referred to in subparagraph (ii).

(b) If—

- (i) an employee fails or refuses to breathe into a breath testing apparatus or to undergo an examination when required to do so under paragraph (a) or
- (ii) the breath testing apparatus records that the alcohol content of the blood of an employee exceeds a limit specified by the local authority concerned for that particular kind of breath testing apparatus, such employee shall be deemed to be guilty of misconduct as contemplated in subregulation (1) (i) and the local authority may deal with him in accordance with regulation 13.

PROCEDURE IN CASES OF INEFFICIENT EMPLOYEES AND OF MISCONDUCT

13. (1) If in the opinion of a local authority reasonable grounds exist for suspecting that an employee is not fit for his duties or is not able to carry them out in an efficient manner or that he is guilty of misconduct, such local authority shall appoint a committee (hereinafter referred to as "the committee") of three members, from the ranks of the members of such local authority and of its employees or employees who are placed at the disposal of the local authority in terms of section 35 of the Act to investigate such suspicion and shall nominate one of the members of the committee to be chairman.
- (2) In the case of—
 - (a) an inquiry instituted to determine whether an employee is not fit for his duties or is not able to carry them out in an efficient manner, the committee shall fix the time and place of the inquiry and give such employee reasonable notice in writing of the time and place so fixed and shall furnish him with a written statement of the grounds on which it is alleged that he is not fit for his duties or is unable to carry them out efficiently;
 - (b) an inquiry instituted to determine whether an employee is guilty of misconduct, the charge shall be served upon such employee by an employee appointed by the local authority concerned for the purpose.
- (3) A charge of misconduct shall contain or shall be accompanied by a direction calling upon the employee charged to transmit or deliver, within a period of 21 days specified in such direction, to a person likewise specified a written admission or denial of the charge and, if such employee so desires, a written explanation of the misconduct with which he is charged.
- (4) A local authority may at any time before or after an employee has been charged with misconduct suspend him from duty.

- (5) 'n Werknemer wat ingevolge subregulasie (4) in sy diens geskors is, is nie op enige emolumente vir die tydperk van sy skorsing geregtig nie: Met dien verstande dat 'n plaaslike bestuur kan gelas dat die geheel of 'n gedeelte van sy emolumente aan so 'n werknemer betaal word.
 - (6) As geen aanklag ingevolge hierdie regulasie teen 'n werknemer wat in sy diens geskors is, ingebring word nie, word hy toegelaat om weer diens te aanvaar en word sy volle emolumente vir die tydperk van sy skorsing aan hom betaal.
 - (7) 'n Plaaslike bestuur kan die skorsing te eniger tyd intrek, maar ondanks die intrekking van die skorsing kan die verrigtinge in verband met die aanklag van wangedrag voortgesit word.
 - (8) As die aangeklaagde werknemer die aanklag ontken of versuim om te voldoen aan die aansegging in subregulasie (3) bedoel, stel die plaaslike bestuur die komitee dienooreenkomstig in kennis.
 - (9) Ná ontvangs van sodanige kennisgewing stel die komitee onverwyld die tyd en plek van die ondersoek vas, en gee aan die aangeklaagde werknemer redelike skriftelike kennis van die tyd en plek aldus vasgestel.
 - (10) 'n Plaaslike bestuur stel 'n persoon (hierna die "aanklaer" genoem) aan om by die ondersoek teenwoordig te wees en om getuienis en argumente ter stawing van die bewerings in subregulasie (1) bedoel, aan te voer en om enige persoon wat getuienis afgelê het om daardie bewerings te weerlê, in kruisondervraging te neem.
 - (11) (a) Die aanklaer kan—
 - (i) 'n persoon wat na sy mening in staat is om inligting van wesenlike belang te verstrek oor die onderwerp van die ondersoek wat deur hom ingestel staan te word, of 'n persoon wat na hy vermoed of glo, 'n boek, dokument of ding in sy besit of bewaring of onder sy beheer het wat betrekking op die onderwerp van sodanige ondersoek het, dagvaar om op 'n tyd en plek in die dagvaarding vermeld, voor die komitee te verskyn om ondervra te word of om daardie boek, dokument of ding voor te lê;
 - (ii) 'n persoon wat by die ondersoek teenwoordig is en wat ingevolge paragraaf (i) gedagvaar is of gedagvaar kon gewees het, oproep om voor die komitee te verskyn en van hom 'n eed afneem of van hom 'n bevestiging aanneem, en kan hom ondervra en hom aansê om 'n boek, dokument of ding in sy besit of bewaring of onder sy beheer wat, na die aanklaer vermoed of glo, betrekking op die onderwerp van die ondersoek het, voor die komitee te lê.
 - (b) Indien 'n persoon wat behoorlik ingevolge paragraaf (a) (i) gedagvaar is, sonder voldoende rede in gebreke bly om teenwoordig te wees op die tyd en plek wat in die dagvaarding vermeld is, of om teenwoordig te bly totdat die komitee hom daarvan vrygestel het om langer teenwoordig te wees, of indien 'n persoon wat ingevolge paragraaf (a) (ii) opgeroep is, weier om as
- (5) An employee who has been suspended from duty in terms of subregulation (4) shall not be entitled to any emoluments for the period of his suspension: Provided that a local authority may order payment to such employee of the whole or a portion of his emoluments.
 - (6) If no charge under this regulation is preferred against an employee who has been suspended from duty, he shall be allowed to resume duty and be paid his full emoluments for the period of his suspension.
 - (7) A local authority may at any time cancel the suspension, but notwithstanding the cancellation of the suspension the proceedings on the charge of misconduct may be continued.
 - (8) If the employee charged denies the charge or fails to comply with the direction mentioned in subregulation (3) the local authority shall inform the committee accordingly.
 - (9) On receipt of such information, the committee shall immediately fix the time and place of the inquiry and give the employee charged reasonable notice in writing of the time and place so fixed.
 - (10) A local authority shall appoint a person (hereinafter referred to as the "prosecutor") to attend the inquiry and to adduce evidence and arguments in support of the allegations referred to in subregulation (1) and to cross-examine any person who has given evidence to refuse such allegations.
 - (11) (a) The prosecutor may—
 - (i) summon any person who in his opinion may be able to give material information concerning the subject of the inquiry to be held by him, or whom he suspects or believes has in his possession or custody or under his control any book, document or thing which has any bearing upon the subject of such inquiry, to appear before the committee at a time and place specified in the summons to be interrogated or to produce such book, document or thing;
 - (ii) call to appear before the committee and administer an oath to or take an affirmation from any person present at the inquiry who was or might have been summoned in terms of paragraph (i), and may interrogate him and require him to produce any book, document or thing in his possession or custody or under his control which the prosecutor suspects or believes to have a bearing upon the subject of the inquiry.
 - (b) If any person, having been duly summoned under paragraph (a) (i) fails, without sufficient cause, to attend at the time and place specified in the summons, or to remain in attendance until excused by the committee from further attendance, or if any person called in terms of paragraph (a) (ii) refuses to be sworn or to affirm as a witness, or fails without sufficient cause to answer

getuie beëdig of bevestig te word, of sonder voldoende rede in gebreke bly om volledig en na sy beste wete alle vrae wat wettig aan hom gestel word, te beantwoord, of om 'n boek, dokument of ding in sy besit of bewaring of onder sy beheer voor te lê, begaan hy 'n misdryf en is hy by skuldigbevinding strafbaar met 'n boete van hoogstens R50 of, by wanbetaling, met gevangenisstraf van hoogstens 30 dae. Met dien verstande dat die ondervraging van so 'n persoon tydens die ondersoek of met die voorlegging van so 'n boek, dokument of ding aan die komitee, onderworpe is aan die wetsbepalings betreffende privilegie, soos van toepassing op 'n getuie wat gedagvaar is om voor 'n geregshof getuie-nis af te lê of om 'n boek, dokument of ding voor te lê.

- (c) 'n Persoon wat, nadat hy as getuie beëdig of bevestig is, 'n valse antwoord gee op 'n vraag deur die aanklaer, deur 'n lid van die komitee, deur die aangeklaagde werknemer of deur sy verteenwoordiger aan hom gestel, of 'n valse verklaring doen oor enige aangeleentheid, wetende dat sodanige antwoord of verklaring vals is, begaan 'n misdryf en is by skuldigbevinding strafbaar met die straf wat by wet vir meened voorgeskryf is.
 - (d) 'n Persoon wat 'n ander persoon verhinder om ter nakoming van 'n dagvaarding uitgereik ingevolge paragraaf (a) (i), teenwoordig te wees of om getuie-nis af te lê of om 'n boek, dokument of ding voor te lê wat hy aangesê word om af te lê of voor te lê, begaan 'n misdryf en is by skuldigbevinding strafbaar met 'n boete van hoogstens R50 of, by wanbetaling, met gevangenisstraf van hoogstens 30 dae.
 - (e) Die betrokke plaaslike bestuur betaal aan 'n persoon wat behoorlik kragtens paragraaf (a) (i) gedagvaar is en die ondersoek bygewoon het, die getuiegeld voorgeskryf kragtens artikel 191 (3) van die Strafproseswet, 1977 (Wet 51 van 1977).
- (12) (a) Die aangeklaagde werknemer het die reg om by die ondersoek teenwoordig te wees en aangehoor te word, hetsy persoonlik of deur 'n verteenwoordiger, om enige persoon wat opgeroep is as getuie ter stawing van die bewerings of aanklag, na gelang van die geval, in subregulasie (2) bedoel, in kruisondervraging te neem, om alle dokumente wat as getuie-nis voorgelê is, in te dien, om self getuie-nis af te lê en om enige ander persoon as getuie op te roep.
- (b) Die komitee hou notule van die verrigtinge by die ondersoek en van alle getuie-nis wat aldaar afgelê word.
- (c) Die versuim van die betrokke werknemer om by die ondersoek teenwoordig te wees, hetsy persoonlik of deur 'n verteenwoordiger, maak die verrigtinge nie ongeldig nie.
- (13) Die vryspreking of die skuldigbevinding van 'n werknemer deur 'n geregshof op 'n aanklag van 'n kriminele misdryf belet nie dat stappe ingevolge hierdie regulasies op 'n aanklag van

fully and to the best of his knowledge all questions lawfully put to him, or to produce any book, document or thing in his possession or custody or under his control, such person shall be guilty of an offence and liable upon conviction to a fine not exceeding R50 or, in default of payment, to imprisonment for a period not exceeding 30 days: Provided that the interrogation of any such person during the inquiry or the production of any such book, document or thing before the committee shall be subject to the law relating to privilege, as applicable to a witness summoned to give evidence or to produce any book, document or thing before a court of law, shall apply.

- (c) Any person who, after having been sworn or after having affirmed as a witness, gives a false answer to any question put to him by the prosecutor, by a member of the committee, by the employee charged or by his representative, or makes a false statement on any matter, knowing such answer or statement to be false, shall be guilty of an offence and liable on conviction to the penalty prescribed by law for perjury.
 - (d) Any person who hinders or prevents any other person from attending in obedience to any summons issued under paragraph (a) (i), or from giving any evidence or producing any book, document or thing which he may be required to give or produce, shall be guilty of an offence, and liable upon conviction to a fine not exceeding R50 or in default of payment, to imprisonment for a period not exceeding 30 days.
 - (e) The local authority concerned shall pay to a person who was duly summoned under paragraph (a) (i) and who attended the inquiry the witness fees prescribed by section 191 (3) of the Criminal Procedure Act, 1977 (Act 51 of 1977).
- (12) (a) The employee charged shall have the right to be present and to be heard at the inquiry either personally or through a representative, to cross-examine any person called as a witness in support of the charge or allegations, as the case may be, referred to in subregulation (2), to inspect any documents produced in evidence, to give evidence himself and to call any other person as a witness.
- (b) The committee shall keep a record of the proceedings at the inquiry and of all evidence given thereat.
- (c) The failure of the employee concerned to attend the inquiry either personally or through a representative shall not invalidate the proceedings.
- (13) The acquittal or the conviction of an employee by a court of law upon a charge of having committed a criminal offence shall not be a bar to proceedings against him under these regulations

wangedrag teen hom ingestel word nie, ondanks die feit dat die feite uiteengesit in die aanklag van wangedrag, indien dit bewys sou word, die misdryf sou uitmaak wat uiteengesit is in die kriminele aanklag waarop hy aldus vrygespreek of skuldig bevind is of 'n ander misdryf waaraan hy by sy verhoor op bedoelde kriminele aanklag skuldig bevind kon geword het.

- (14) Indien die wangedrag waarvan die werknemer aangekla word, neerkom op 'n misdryf waaraan hy deur 'n geregshof skuldig bevind is, is 'n gesertifiseerde afskrif van die notule van sy verhoor en skuldigbevinding deur daardie hof, nadat bedoelde werknemer geïdentifiseer is as die persoon wat in sodanige notule genoem word, voldoende bewys dat hy bedoelde misdryf begaan het, tensy die skuldigbevinding deur 'n hoër hof tersyde gestel is: Met dien verstande dat die aangeklaagde werknemer die reg het om getuienis aan te voer dat hy in werklikheid verkeerdlik skuldig bevind is.
- (15) Na afloop van die ondersoek bevind die komitee of die betrokke werknemer ongeskik is vir sy pligte of nie in staat is om hulle op bekwame wyse uit te voer nie, of skuldig is of nie skuldig is nie aan die wangedrag waarvan hy aangekla is, na gelang van die geval, en verwittig die betrokke werknemer van sy bevinding en doen verslag aan die plaaslike bestuur oor die uitslag van die ondersoek.
- (16) Indien die betrokke werknemer ingevolge subregulasie (4) in sy diens geskors is en die komitee bevind dat hy nie skuldig is aan die wangedrag waarvan hy aangekla is nie, word bedoelde werknemer toegelaat om onverwyld weer diens in sy pos te aanvaar en word aan hom sy volle emolumente vir die tydperk van sy skorsing betaal.
- (17) Indien die komitee bevind dat die betrokke werknemer ongeskik is vir sy pligte of nie in staat is om hulle op bekwame wyse uit te voer nie, of skuldig is aan die wangedrag waarvan hy aangekla is, kan sodanige werknemer binne 14 dae na die datum waarop hy van die bevinding verwittig is, na die betrokke plaaslike bestuur daarteen appelleer deur aan sodanige plaaslike bestuur skriftelik kennis van appèl te gee, in welke kennisgewing hy volledig die gronde uiteensit waarop die appèl gebaseer word.
- (18) (a) Indien die komitee bevind dat die betrokke werknemer ongeskik is vir sy pligte of nie in staat is om hulle op bekwame wyse uit te voer nie, of skuldig is aan die wangedrag waarvan hy aangekla is, na gelang van die geval, stuur die voorsitter van die komitee so gou doenlik ná die afhandeling van die notule van die verrigtinge by die ondersoek en alle dokumentêre getuienis wat aldaar toegelaat is, aan die betrokke plaaslike bestuur 'n skriftelike uiteensetting van die komitee se bevinding en sy redes daarvoor en enige opmerkings oor die ondersoek wat die komitee wens te maak, en, indien die bevinding van 'n lid van die komitee verskil van die bevinding van die meerderheid van die komitee, ook 'n skriftelike uiteensetting van sodanige lid se minderheidsbevinding en sy redes daarvoor en enige opmerking oor die ondersoek wat hy wens te maak.

on a charge of misconduct, notwithstanding the fact that the facts set forth in the charge of misconduct would, if proved, constitute the offence set forth in the criminal charge on which he was so acquitted or convicted or another offence on which he might have been convicted on his trial on the said criminal charge.

- (14) If the misconduct with which the employee is charged amounts to an offence of which he has been convicted by a court of law, a certified copy of the record of his trial and conviction by that court shall, upon the identification of such employee as the person referred to in such record, be sufficient proof of the commission by him of such offence unless the conviction has been set aside by a superior court: Provided that it shall be competent for the employee charged to adduce evidence that he was in fact wrongly convicted.
- (15) At the conclusion of the inquiry the committee shall find whether the employee concerned is unfit to carry out his duties or incapable of carrying them out efficiently, or whether he is guilty or not guilty of the misconduct with which he was charged, as the case may be, and shall inform the employee concerned of the finding and report the result of the inquiry to the local authority.
- (16) If the employee concerned is under suspension from duty under subregulation (4) and the committee finds that he is not guilty of the misconduct with which he has been charged, the said employee shall be allowed forthwith to resume duty in his post and shall be paid his full emoluments for the period of his suspension.
- (17) If the committee finds that the employee concerned is unfit to carry out his duties or incapable of carrying them out efficiently or finds such employee guilty of misconduct, such employee may, within 14 days after the date upon which he was informed of the finding, appeal against such finding to the local authority concerned by giving to such local authority notice in writing of appeal, in which notice he shall set forth fully the grounds upon which the appeal is based.
- (18) (a) If the committee finds that the employee concerned is unfit to carry out his duties or incapable of carrying them out efficiently, or is guilty of the misconduct with which he was charged, as the case may be the chairman of the committee shall forward, to the local authority concerned, as soon as possible after the inquiry has been finalised, the record of the proceedings at the inquiry and any documentary evidence admitted thereat, a written statement of the committee's finding and its reasons therefor, and any observations on the inquiry which the committee desires to make and, if the finding of a member of the committee differ from the findings of the majority of the members of the committee, a written statement of such member's minority finding and his reasons therefor and any remarks in regard to the inquiry that he wishes to make.

- (b) Indien kennis van appèl ooreenkomstig die bepalings van subregulasie (17) gegee is, verstrek die betrokke plaaslike bestuur binne sewe dae ná ontvangs van die kennisgewing van appèl, of, indien sodanige plaaslike bestuur die uiteensetting van die gronde van die appèl ontvang ná ontvangs van sodanige skriftelike kennisgewing, binne sewe dae ná ontvangs van sodanige uiteensetting, aan die betrokke werknemer 'n afskrif van die komitee se redes vir sy bevinding en 'n afskrif van die minderheidsbevinding, as daar is, en die redes daarvoor.
- (19) Indien die betrokke werknemer binne sewe dae na die datum waarop hy 'n afskrif van die redes vir die bevinding ontvang het, by die betrokke plaaslike bestuur aansoek doen om 'n afskrif van die notule van die verrigtinge by die ondersoek, verstrek sodanige plaaslike bestuur so 'n afskrif aan hom.
- (20) Die betrokke werknemer kan binne 14 dae na die datum waarop hy om die afskrif van die notule aansoek doen of, indien hy nie om 'n afskrif van die notule aansoek gedoen het nie, binne 21 dae na die datum waarop hy die afskrif van die redes vir die bevinding ontvang, skriftelike verzoek ter stawing van sy appèl in viervoud aan die betrokke plaaslike bestuur voorlê.
- (21) Die betrokke plaaslike bestuur, met uitsondering van die lede wat lede van die komitee was, oorweeg genoemde notule en dokumente, en daarna kan sodanige plaaslike bestuur die appèl in sy geheel of gedeeltelik handhaaf en die bevinding tersyde stel of wysig, of die appèl afwys en die bevinding in sy geheel of gedeeltelik bekragtig, of kan hy, voordat hy tot 'n finale beslissing oor die appèl geraak, enige vraag in verband met die ondersoek na die komitee terugverwys en die komitee gelas om daaroor verslag te doen of om 'n verdere ondersoek in te stel en tot 'n bevinding daaroor te geraak.
- (22) Indien 'n plaaslike bestuur gelas dat 'n verdere ondersoek ingestel word, is die bepalings van subregulasie (10), (11) en (12) van toepassing.
- (23) Wanneer 'n plaaslike bestuur tot 'n finale beslissing oor 'n appèl geraak het, deel hy sodanige beslissing skriftelik aan die appellant mee.
- (24) Indien 'n plaaslike bestuur die appèl van 'n appellant wat in sy diens geskors is, handhaaf, word sodanige appellant onverwyld toegelaat om weer sy diens te aanvaar en word aan hom sy volle emolumente vir die typerk van sy skorsing betaal.
- (25) Indien die komitee bevind het dat 'n werknemer ongeskik is vir sy pligte of nie in staat is om sy pligte op bekwame wyse uit te voer nie of dat hy skuldig is aan die wangedrag waarvan hy aangekla is, en indien sodanige werknemer nie teen die bevinding soos hierbo bepaal, geappelleer het nie, of aldus geappelleer het maar sy appèl afgewys is, kan die betrokke plaaslike bestuur—
- (a) besluit om geen verdere stappe in die saak doen nie;
- (b) sodanige werknemer waarsku of berispe;
- (b) If notice of appeal has been given in accordance with the provisions of subregulation (17), the local authority concerned shall, within seven days after the receipt of the notice of appeal or, if such local authority receives the statement of the grounds for appeal after the receipt of such notice, within seven days after receipt of such statement, furnish the employee concerned with a copy of the committee's reasons for the finding and a copy of the minority finding, if any, and the reasons therefor.
- (19) If the employee concerned applies to the local authority concerned for a copy of the record of the proceedings at the inquiry within seven days after the date upon which he receives a copy of the reasons for the findings, such local authority shall furnish him with such copy.
- (20) The employee concerned may within 14 days after the date upon which he receives the copy of the record of the proceedings, or if he has not applied for a copy of the record, within 21 days after the date upon which he receives a copy of the reasons for the findings, submit to the local authority concerned written representations, in quadruplicate, in support of his appeal.
- (21) The local authority concerned, excluding the members that were members of the committee, shall consider the aforesaid record and documents and thereafter such local authority may uphold the appeal wholly or in part and set aside or alter the finding, or dismiss the appeal and confirm the finding wholly or in part, or may, before arriving at a final decision on the appeal, remit any question in connection with the inquiry to the committee and direct the committee to report thereon or to hold a further inquiry and arrive at a finding thereon.
- (22) If a local authority directs the holding of a further inquiry, the provisions of subregulations (10), (11) and (12) shall apply.
- (23) When a local authority has arrived at a final decision on an appeal, it shall convey such decision to the appellant in writing.
- (24) If a local authority upholds the appeal of an appellant who was suspended from duty, such appellant shall forthwith be allowed to resume duty and shall be paid his full emoluments for the period of his suspension.
- (25) If the committee has found that an employee is unfit to carry out his duties or is incapable of carrying them out efficiently or that he is guilty of the misconduct as charged, and if such employee has not appealed against the findings as hereinbefore provided, or has so appealed but his appeal has been dismissed, the local authority concerned may—
- (a) decide to take no further steps in the case;
- (b) caution or reprimand such employee;

- (c) Sodanige werknemer 'n boete van hoogstens R200 ople, welke boete verhaal kan word deur van sy emolumente die paalemente af te trek wat genoemde plaaslike bestuur bepaal;
- (d) sodanige werknemer se salaris of gradering of sowel sy salaris as sy gradering verlaag in die mate wat genoemde plaaslike bestuur bepaal, of sy salarisverhoging vir 'n tydperk van hoogstens 12 maande terughou;
- (e) sodanige werknemer ontslaan of hom aansê om uit die diens van genoemde plaaslike bestuur te bedank met ingang van 'n datum wat genoemde plaaslike bestuur bepaal:

Met dien verstande dat stappe kragtens paragrawe (b) en (c) gedoen word slegs teen 'n werknemer wat aan wangedrag skuldig bevind is: Met dien verstande voorts dat behalwe in gevalle waar daar kragtens paragraaf (d) opgetree word, 'n plaaslike bestuur nie belet word om stappe kragtens meer as een van die voorafgaande paragrawe te doen nie: Met dien verstande voorts dat 'n werknemer wat aangesê is om uit die diens van 'n plaaslike bestuur te bedank en wat versuim om aldus te bedank, geag word daaruit ontslaan te wees met ingang van 'n datum wat sodanige plaaslike bestuur bepaal.

- (26) Indien 'n werknemer wat ingevolge hierdie regulasie aangekla is, die aanklag erken, word hy geag skuldig te wees aan die wangedrag waarvan hy aangekla is, en tree die betrokke plaaslike bestuur ooreenkomstig subregulasie (25) op.
- (27) Indien daar met 'n werknemer wat kragtens subregulasie (4) in sy diens geskors is, ooreenkomstig die bepalings van subregulasie (25) (a), (b), (c) of (d) gehandel word, word hy onverwyld toegelaat om weer diens te aanvaar.
- (28) Waar daar by enige ondersoek na 'n aanklag van wangedrag soos omskryf in regulasie 12 (1) (i), getuienis aangevoer word oor 'n ontleding van 'n monster van die bloed van 'n werknemer, word daar aanvaar, totdat die teendeel bewys word, dat enige spuit wat gebruik is om sodanige monster te neem en die houer waarin sodanige monster geplaas is vir versending na 'n ontleder, vry was van enige stof of kontaminasie wat die uitslag van sodanige ontleding kon geaffekteer het.

WYSE WAAROP KENNISGEWING GEGEE OF VERSTREK KAN WORD

14. Waar daar by regulasie 13 bepaal word—

- (a) dat 'n kennisgewing, verklaring of ander dokument aan 'n persoon gegee of verstrekt of beteken moet word of dat 'n aangeleentheid skriftelik aan 'n persoon meegedeel moet of kan word, kan sodanige kennisgewing, verklaring, dokument of geskrif per geregistreerde pos aan hom gestuur word of aan hom afgelewer word of by sy laaste bekende woonplek gelaat word;
- (b) dat 'n persoon van 'n beslissing of bevinding verwittig moet word, kan hy of mondeling daarvan verwittig word of deur middel van 'n geskrif wat per geregistreerde pos aan hom gestuur word of aan hom afgelewer word of by sy laaste bekende woonplek gelaat word.

- (c) impose a fine not exceeding R200 upon such employee, which fine may be recovered by deduction from his emoluments in such instalments as the said local authority may determine;
- (d) reduce such employee's salary or grading or both his salary and his grading to such extent as the said local authority may determine or withhold his salary increment for a period not exceeding 12 months;
- (e) discharge such employee, or call upon him to resign from the service of the said local authority from such date as the said local authority may determine:

Provided that action in terms of paragraphs (b) or (c) shall be taken only against an employee found guilty of misconduct: Provided further that, except in cases where action is taken in terms of paragraph (d), a local authority shall not be precluded from taking steps in terms of more than one of the foregoing paragraphs: Provided further that any employee who has been called upon to resign from the service of a local authority and fails so to resign shall be deemed to have been discharged therefrom as from such date as such local authority may determine.

- (26) If an employee charged in terms of this regulation admits the charge, he shall be deemed to be guilty of the misconduct with which he has been charged and the local authority concerned shall take action in accordance with subregulation (25).
- (27) If an employee who has been suspended from duty in terms of subregulation (4) is dealt with in accordance with the provisions of subregulation (25) (a), (b), (c) or (d), he shall forthwith be allowed to resume duty.
- (28) Where, in any inquiry into a charge of misconduct as defined in regulation 12 (1) (i), evidence is tendered of the analysis of a specimen of the blood of any employee, it shall be presumed until the contrary is proved that any syringe used for obtaining such specimen and the receptacle in which such specimen was placed for dispatch to an analyst were free of any substance of contamination that could have affected the result of such analysis.

MANNER IN WHICH NOTICE MAY BE GIVEN OR FURNISHED

14. Where it is provided in regulation 13—

- (a) that any notice, statement or other document shall be given or furnished to or served upon any person or that any matter shall be or may be conveyed to any person in writing, such notice, statement, document or written communication may be sent to him by registered post or delivered to him or left at his last known place of residence;
- (b) that any person shall be informed of any decision or finding, he may be informed thereof verbally or in a written communication sent to him by registered post or delivered to him or left at his last known place of residence.

BESOLDIGING VAN WERKNEMERS OF TYDELIKE WERKNEMERS

15. (1) Daar word aan werknemers of tydelike werknemers salaris betaal ooreenkomstig die salarisskaal- of kerf, wat aan hulle graderings verbonde is en toelaes vir die bedrae soos van tyd tot tyd deur die Direkteur bepaal.
- (2) 'n Plaaslike bestuur kan, behoudens die voorwaardes wat die Direkteur bepaal—
 - (a) aan werknemers of tydelike werknemers of klasse werknemers by aanstelling, oorplassing of bevordering salaris op hoër peile as die minimum van die toepaslike salarisskaal betaal;
 - (b) salaris van werknemers of tydelike werknemers of klasse werknemers spesiaal verhoog binne die salarisskaal wat op hulle van toepassing is; en
 - (c) salaris van werknemers of tydelike werknemers wat buitengewone bekwaamheid aan die dag lê of wat oor spesiale kwalifikasies beskik of wat verdienstelike diens gelever het, spesiaal verhoog binne die salarisskaal wat op hulle van toepassing is.
- (3) Indien 'n werknemer of tydelike werknemer aangewys is om vir 'n ononderbroke tydperk van ten minste dertig werkdag in 'n hoër pos waar te neem, word aan hom die nie-pensioendraende toelaes betaal wat die betrokke plaaslike bestuur bepaal en die Direkteur goedgekeur het.

SALARISSE VAN WERKNEMERS OF TYDELIKE WERKNEMERS WORD NIE VERLAAG NIE, UITGESONDERD SOOS SPESIAAL BEPAAL

16. Die salaris of salarisskaal van 'n werknemer of tydelike werknemer word nie sonder sy toestemming verlaag nie, uitgesonderd in ooreenstemming met die bepalinge van regulasie 13.

SALARISVERHOEGINGS

17. (1) Onderworpe aan bevredigende diens en 'n bevoegdheidsgrens, as daar is, word die salaris van 'n werknemer of tydelike werknemer jaarliks met een salariskerf verhoog totdat die maksimumkerf van die salarisskaal wat op hom van toepassing is, bereik word en sodanige verhogings geskied outomaties: Met dien verstande dat 'n plaaslike bestuur 'n eenvormige jaarlikse verhogingsdatum vir al sy werknemers of tydelike werknemers kan bepaal: Met dien verstande voorts dat geen werknemer of tydelike werknemer vir langer as 15 maande ononderbroke sonder 'n verhoging mag werk nie.
- (2) Indien die toesighouer van 'n werknemer of tydelike werknemer 'n sertifikaat uitreik waarin verklaar word dat sodanige werknemer of tydelike werknemer se gedrag met betrekking tot ywer, dissipline, stiptheid of matigheid gedurende 'n salarisverhogingstydperk nie deurgaans bevredigend was nie of dat hy sy werk gedurende sodanige salarisverhogingstydperk nie deurgaans op 'n bevredigende wyse verrig het nie, word die salaris van sodanige werknemer of tydelike werknemer nie kragtens subregulasie (1) verhoog nie: Met dien verstande dat 'n plaaslike bestuur na

REMUNERATION OF EMPLOYEES OR TEMPORARY EMPLOYEES

15. (1) Salaries shall be paid to employees or temporary employees in accordance with the salary scale notch attached to their gradings and allowances in the amounts, as determined from time to time by the Director.
- (2) A local authority may, subject to such conditions as the Director may determine—
 - (a) pay to employees or temporary employees or classes of employees on appointment, transfer or promotion salaries at higher rates than the minimum of the appropriate salary scale;
 - (b) specially advance the salaries of employees or temporary employees or classes of employees within the salary scales applicable to them; and
 - (c) specially advance the salaries of employees or temporary employees who display exceptional ability or possess special qualifications or have rendered meritorious service within the salary scales applicable to them.
- (3) If an employee or temporary employee is directed to act for an uninterrupted period of at least thirty working days in a higher post, he shall be paid such non-pensionable allowance as the local authority concerned may determine and the Director approve.

SALARIES OF EMPLOYEES OR TEMPORARY EMPLOYEES NOT TO BE REDUCED EXCEPT AS SPECIALLY PROVIDED FOR

16. The salary or salary scale of an employee or temporary employee shall not be reduced without his consent except in accordance with the provisions of regulation 13.

SALARY INCREMENTS

17. (1) Subject to satisfactory service and any proficiency barrier the salary of an employee or temporary employee shall be increased annually by one salary notch until the maximum notch of the salary scale applicable to him is reached and such increments shall take place automatically: Provided that a local authority may determine a uniform annual incremental date for all its employees or temporary employees: Provided further that no employee or temporary employee shall work without an increase for a continuous period of more than 15 months.
- (2) If the supervisor of an employee or temporary employee issues a certificate in which it is declared that the conduct of the employee or temporary employee as to zeal, discipline, punctuality or sobriety was not uniformly satisfactory during an incremental period or that his performance of his work was not uniformly satisfactory during such incremental period, the salary of such employee or temporary employee shall not be increased in terms of subregulation (1): Provided that a local authority may, in its discretion, grant

goedduke goedkeuring kan verleen dat die salaris van 'n werknemer of tydelike werknemer kragtens subregulasie (1) verhoog word nieteenstaande die feit dat 'n sertifikaat in hierdie subregulasie bedoel, uitgereik is.

BETALING VAN EMOLUMENTE

18. (1) Emolumente wat aan 'n werknemer of tydelike werknemer verskuldig is, word betaal op die dag en wyse wat die betrokke plaaslike bestuur bepaal: Met dien verstande dat, wanneer 'n werknemer of tydelike werknemer uit die diens van 'n plaaslike bestuur tree, sy emolumente en ander gelde deur sodanige plaaslike bestuur aan hom verskuldig, min gemagtigde aftrekkings of bedrae deur hom aan sodanige plaaslike bestuur verskuldig, binne 'n redelike tydperk daarna aan hom betaal word, welke tydperk nie 14 dae te bowe mag gaan nie.
- (2) 'n Plaaslike bestuur trek maandeliks van die emolumente van 'n werknemer of tydelike werknemer of sodanige bedrae, ledegelde, paalemente op lenings en ander gelde wat sodanige werknemer of tydelike werknemer aan sodanige plaaslike bestuur verskuldig is of wat by wet afgetrek moet word of wat sodanige plaaslike bestuur op versoek van 'n werknemer of tydelike werknemer goedkeur, en betaal sodanige gelde onverwyld aan die betrokke instansie.

SESSIE VAN EMOLUMENTE VERBODE

19. Geen werknemer of tydelike werknemer mag sonder die skriftelike goedkeuring van die betrokke plaaslike bestuur die geheel of 'n gedeelte van enige salaris of toelae wat aan hom betaalbaar is, sedgeer nie.

SALARIS BY OPGRADERING VAN POS

20. 'n Werknemer of tydelike werknemer wat 'n pos bekleed wat opgegradeer of in 'n hoër salarisskaal ingedeel word, is nie op aanstelling in of bevordering tot sodanige pos geregtig bloot uit hoofde van sodanige opgradering of indeling nie.

SALARIS BY AFGRADERING VAN POS

21. 'n Werknemer of tydelike werknemer wat 'n pos bekleed wat afgegradeer word of in 'n laer salarisskaal ingedeel word, behou sy salaris en salarisskaal as 'n persoonlike salaris en salarisskaal vir solank hy sodanige pos bekleed.

AMPTELIKE DIENSURE

22. (1) Ondanks andersluidende bepalings in hierdie regulasies vervat, kan die toesighouer van 'n werknemer of tydelike werknemer vereis dat hy op enige dag van die week of enige tyd van die dag of die nag amptelike diens moet verrig en dat hy by sy normale werkplek of elders vir sodanige diens aanwesig moet wees.
- (2) Behoudens die bepalings van subregulasie (1) en van regulasie 24, moet 'n werknemer of tydelike werknemer by sy normale werkplek vir diens aanwesig wees gedurende amptelike diensure soos deur die betrokke plaaslike bestuur van tyd tot tyd bepaal: Met dien verstande dat 'n plaaslike bestuur verskillende amptelike diensure vir verskillende klasse of groepe werknemers, of vir individue binne sodanige klasse of groepe, of vir verskillende afdelings, takke of kantore kan bepaal.

approval for the salary of an employee or temporary employee to be increased in terms of subregulation (1) notwithstanding the fact that a certificate referred to in this subregulation has been issued.

PAYMENT OF EMOLUMENTS

18. (1) Emoluments due to an employee or temporary employee shall be paid on such date and in such manner as a local authority concerned may determine: Provided that when an employee or temporary employee leaves the service of the local authority his emoluments and other moneys owed to him by such local authority, minus authorised deduction amounts due from him to the local authority, shall be paid to him within a reasonable period thereafter, which period shall not exceed 14 days.
- (2) A local authority shall deduct each month from the emoluments of an employee or temporary employee such amounts, subscriptions, instalments on loans and other moneys as such employee or temporary employee owes to such local authority or as are to be deducted from his emoluments by law or as approved by the local authority at the request of such employee or temporary employee and shall pay such moneys without delay to the person or body concerned.

CESSION OF EMOLUMENTS PROHIBITED

19. No employee or temporary employee shall without the written approval of a local authority concerned cede the whole or any part of any salary or allowance payable to him.

SALARY UPON UPGRADING OF A POST

20. An employee or temporary employee who occupies a post that has been upgraded or classified in a higher salary grade shall not, merely by reason of such upgrading or classification, be entitled to appointment or promotion to such post.

SALARY UPON DOWNGRADING OF A POST

21. An employee or temporary employee who occupies a post that has been downgraded or is classified in a lower salary grade shall retain his salary and his salary scale as a personal salary and salary scale for as long as he occupies such post.

OFFICIAL HOURS OF ATTENDANCE

22. (1) Notwithstanding any provisions to the contrary in these regulations contained, the supervisor may require an employee or temporary employee to perform official duty on any day of the week or at any time during the day or night and to attend at his normal place of work or elsewhere for such duty.
- (2) Subject to the provisions of subregulation (1) and of regulation 24 an employee or temporary employee shall be present for duty at his normal place of work during the official hours of attendance as determined from time to time by the local authority concerned: Provided that a local authority may determine different official hours of attendance for different classes or groups of employees, or for individuals within such classes or groups, or for different divisions, branches or offices.

- (3) 'n Plaaslike bestuur bepaal die etenspouse van 'n werknemer of tydelike werknemer of klasse of groepe werknemers: Met dien verstande dat 'n etenspouse wat binne die amptelike diensure val wat kragtens hierdie regulasie voorgeskryf is, nie as amptelike diensyd vir die voltooiing van die werkweek gereken word nie.
- (4) 'n Werknemer of tydelike werknemer—
- moet gedurende sy amptelike diensure sy volle aandag wy aan die pligte wat aan hom toevertrou is; en
 - mag nie gedurende sy amptelike diensure sonder toestemming van sy toesighouer van sy kantoor of werkplek afwesig wees nie.

BYWONINGSREGISTER

23. (1) 'n Werknemer of tydelike werknemer wat 'n toesighoudende posisie beklee, is verantwoordelik vir die nakoming deur die personeel onder sy beheer van die voorgeskrewe amptelike diensure.
- (2) 'n Bywoningsregister word gehou waarin elke werknemer of tydelike werknemer persoonlik die tyd van sy aankoms by en vertrek van sy werkplek aanteken: Met dien verstande dat die voorskrifte van hierdie subregulasie nie van toepassing is nie op—
- 'n werknemer of tydelike werknemer wat besoldig word volgens 'n salarisskaal waarvan die maksimum kerf hoër is as die maksimum kerf van die salarisskaal deur die betrokke plaaslike bestuur bepaal; en
 - 'n werknemer of tydelike werknemer wat onder omstandighede dien wat, na die mening van die betrokke plaaslike bestuur, die hou van 'n register van sy bywoning ondoenlik of onwenslik maak, in welke geval genoemde plaaslike bestuur die ander reëlings tref wat hy toereikend ag ten einde te verseker dat die voorgeskrewe amptelike diensure nagekom word.
- (3) Die bywoningsregister word gehou deur 'n werknemer of tydelike werknemer wat 'n toesighoudende posisie beklee, en dit is sy plig om—
- toe te sien dat die bywoningsregister beskikbaar is vir lede van die personeel onder sy beheer vir die doel van subregulasie (2): Met dien verstande dat die bywoningsregister aldus beskikbaar is slegs gedurende sodanige beperkte tye aan die begin en aan die einde van die dag se werksaamhede as wat die betrokke plaaslike bestuur bepaal;
 - toe te sien dat die werknemers in subregulasie (2) bedoel, slegs outentieke aantekeninge van aankoms en vertrek maak;
 - die aantekeninge in die bywoningsregister na te gaan;
 - enige onreëlmatigheid te rapporteer aan 'n werknemer deur die betrokke plaaslike bestuur aangewys; en
 - toe te sien dat aangetekende gevalle van afwesigheid deur verlof gedek word.

WERKWEKE

24. (1) Behoudens die bepalinge van regulasie 22, besluit 'n plaaslike bestuur, met behoorlike inagneming van die openbare belang, watter werknemers of tydelike werknemers of klasse of groepe werknemers, afdelings, takke of kantore 'n vyfdaagse of ander werkweek moet nakom:

- (3) A local authority shall determine the meal break of an employee or temporary employee or classes or groups of employees: Provided that a meal break falling within the official hours of attendance prescribed in terms of these regulations shall not be reckoned as official duty for the completion of the working week.

- (4) An employee or temporary employee—

- shall, during his official hours of attendance, give his full attention to the duties entrusted to him, and
- shall not, without the consent of his supervisor, be absent from his office or place of work during his official hours of attendance.

ATTENDANCE REGISTER

23. (1) An employee or temporary employee who occupies a supervisory position shall be responsible for the observance by the staff under his control of the prescribed hours of attendance.
- (2) An attendance register shall be kept in which each employee or temporary employee shall personally record the time of his arrival at and departure from his place of work: Provided that the provisions of this subregulation shall not apply to—
- an employee or temporary employee who is remunerated in accordance with a salary scale the maximum notch of which exceeds the maximum notch of the salary scale determined by the local authority concerned; and
 - an employee or temporary employee who serves under circumstances which, in the opinion of the local authority concerned, renders the keeping of a register of his attendance impracticable or undesirable, in which event the said local authority shall make such other arrangements as it may consider adequate to ensure that the prescribed official hours of attendance are observed.
- (3) The attendance register shall be kept by an employee or temporary employee in a supervisory capacity whose duty it shall be to—
- ensure that the attendance register is accessible to members of the staff for the purposes of subregulation (2): Provided that the attendance register shall be so accessible only during such limited periods at the commencement and conclusion of the day's duties as may be determined by the local authority concerned;
 - ensure that only authentic records of times of arrival and departure are entered by the employees referred to in subregulation (2);
 - examine the entries made in the attendance register;
 - report any irregularity to an employee designated by the local authority; and
 - ensure that recorded absences are covered by leave.

WORKING WEEKS

24. (1) Subject to the provisions of regulation 22 a local authority shall decide, with due regard to the public interest, which employees or temporary employees, or classes or groups of employees, divisions, branches or offices shall observe a five-day or other working week: Provided that a

Met dien verstande dat 'n plaaslike bestuur verskillende werkweke vir verskillende klasse of groepe werknemers, of vir individue binne sodanige klasse of groepe, of vir verskillende afdelings, takke of kantore kan voorskryf.

- (2) Die minimum getal diensure vir 'n werknemer of tydelike werknemer word deur die betrokke plaaslike bestuur bepaal: Met dien verstande dat genoemde plaaslike bestuur verskillende getalle diensure vir verskillende klasse of groepe werknemers kan bepaal: Met dien verstande voorts dat die totale aantal diensure per week nie 48 uur oorskryf nie.
- (3) Waar die amptelike diensure wat vir 'n werknemer of tydelike werknemer bepaal is, in die geheel of gedeeltelik gedurende die nag val, moet die werkweek van sodanige werknemer of tydelike werknemer vir die doel van die berekening van oortyd diens verminder word met een sesde van die gedeelte van sodanige diensure wat gedurende die nag val: Met dien verstande dat die bepalings van hierdie subregulasie nie van toepassing is nie op 'n werknemer of tydelike werknemer wat in 'n klas val waarvan die diensvoorwaardes nagdiens vereis.
- (4) (a) 'n Werknemer of tydelike werknemer wat gedurende sy amptelike diensure van diens afwesig is as gevolg van verlof toegestaan of weens ander omstandighede wat vir die betrokke plaaslike bestuur aanneemlik is, word vir die doel van die voltooiing van sy werkweek geag gedurende sodanige afwesigheid diens te doen het.
- (b) Die amptelike diensure wat ten opsigte van 'n bepaalde dag of kragtens die bepalings van hierdie regulasies vir 'n werknemer of tydelike werknemer bepaal is en wat—
 - (i) op 'n openbare feesdag val, in die geval van 'n werknemer of tydelike werknemer wat nie normaalweg op so 'n dag werk nie, of
 - (ii) in die geval van 'n werknemer of tydelike werknemer wat normaalweg op 'n openbare feesdag werk, op 'n ander dag val waarop hy normaalweg in plaas van sodanige openbare feesdag van diens vrygestel is,

word ingereken vir die doel van die voltooiing van sy werkweek.

OORTYDDIENS EN OORTYDBESOLDIGING

25. (1) Indien 'n toesighouer kragtens regulasie 22 (1) van 'n werknemer of tydelike werknemer vereis dat hy oortyd diens moet verrig wat 'n oorskryding meebring van sy amptelike diensure, word ten opsigte daarvan aan sodanige werknemer of tydelike werknemer nie-pensioendraende oortydbesoldiging teen die volgende tariewe betaal:
 - (a) Per uur oortyd diens op 'n Sondag of op 'n openbare feesdag en, in die geval van 'n werknemer of tydelike werknemer wat op Sondag werk, op 'n rusdag, twee maal die uurlikse ekwivalent van die betrokke werknemer of tydelike werknemer se jaarlikse besoldiging;

local authority may prescribe different working weeks for different classes or groups of employees, or for individuals within such classes or groups or for different divisions, branches or offices.

- (2) The minimum hours of service for an employee or temporary employee shall be determined by the local authority concerned: Provided that the said local authority may determine different hours of service for different classes or groups of employees: Provided further that the total number of hours per week shall not exceed 48.
 - (3) Where the official hours of attendance determined for an employee or temporary employee fall wholly or partly during the night the working week of such employee or temporary employee shall, for the purpose of calculating overtime duty, be reduced by one-sixth of whatever portion of the hours of attendance falls during the night: Provided that the provisions of this subregulation shall not apply to an employee or temporary employee falling into a class whose conditions of service require the performance of night duty.
 - (4) (a) An employee or temporary employee who is absent from duty during his official hours of attendance, by virtue of leave granted or of other circumstances acceptable to the local authority concerned shall be deemed to have been on duty during such absence for the purpose of the completion of his working week.
 - (b) The official hours of attendance that have been determined for an employee or temporary employee in respect of a particular day or in terms of the provisions of these regulations and that—
 - (i) fall on a public holiday, in the case of an employee or temporary employee who does not normally work on such a day; or
 - (ii) in the case of an employee or temporary employee who normally works on a public holiday, fall on any other day on which he is normally relieved from duty in lieu of such public holiday;
- shall be included for the purposes of the completion of his working week.

OVERTIME DUTY AND OVERTIME REMUNERATION

25. (1) If a supervisor requires an employee or temporary employee, in terms of regulation 22 (1), to perform overtime duty that entails exceeding the official hours of attendance, such employee or temporary employee shall be paid non-pensionable overtime remuneration in respect thereof at the following tariffs:
 - (a) Per hour of overtime duty on a Sunday or public holiday and, in the case of an employee or temporary employee who works on a Sunday, on a day of rest, double the hourly equivalent of the annual remuneration of the employee concerned;

- (b) per uur oortyddiens op 'n ander dag as 'n dag in paragraaf (a) bedoel, een en 'n derde maal die uurlikse ekwivalent van die betrokke werknemer of tydelike werknemer se jaarlikse besoldiging;

Met dien verstande dat, in plaas daarvan om oortydbesoldiging aan 'n werknemer of tydelike werknemer te betaal, 'n plaaslike bestuur aan hom spesiale verlof met volle besoldiging kan toestaan vir 'n ooreenstemmende periode op 'n tyd wanneer die eise van die diens dit toelaat, of hom met sodanige oortyddiens in eenhede van volle werkdag as vakansieverlof kan krediteer.

- (2) By die berekening van die oortyddiens deur 'n werknemer of tydelike werknemer verrig, word—
- (a) 'n gedeelte van 'n uur buite rekening gelaat indien dit aaneenlopend is met die amptelike diensure van sodanige werknemer of tydelike werknemer;
- (b) behoudens die bepalings van paragraaf (c), 'n gedeelte van 'n uur in berekening gebring indien dit nie-aaneenlopend is met die amptelike diensure van sodanige werknemer of tydelike werknemer;
- (c) behoudens die bepalings van paragrafe (a) en (b), 'n gedeelte van 'n uur as een uur gereken indien dit 'n halfuur of langer is en buite rekening gelaat indien dit korter as 'n halfuur is.

GEREEDHEIDSDIENS EN BESOLDIGING DAARVOOR

26. (1) 'n Toesighouer kan, behoudens die opdragte van die betrokke plaaslike bestuur, 'n werknemer of tydelike werknemer wat onder sy beheer is, aansê om buite die amptelike diensure van sodanige werknemer die gereedheidsdiens te verrig wat sodanige toesighouer bepaal.
- (2) 'n Werknemer of tydelike werknemer wat gereedheidsdiens verrig, word daarvoor vergoed teen die tarief wat die betrokke plaaslike bestuur met die goedkeuring van die Direkteur vir die betrokke klas of groep werknemers bepaal.

TOEPASLIKHEID VAN VERLOFREGULASIES

27. Regulasies 28 tot en met 46 is van toepassing op alle werknemers of tydelike werknemers: Met dien verstande dat in die geval van werknemers of tydelike werknemers wie se diensvoorwaardes vasgestel is in ooreenstemming met nywerheids- of dergelike ooreenkomste—
- (1) genoemde regulasies van toepassing is slegs vir sover daarin uitdruklik bepaal word dat hulle op genoemde werknemers of tydelike werknemers van toepassing is;
- (2) die verlofvoorregte van genoemde werknemers of tydelike werknemers origens dié is wat die betrokke plaaslike bestuur bepaal.

VERLOFAANSOEKVORMS, TOESTAAN EN INTREK-KING VAN VERLOF, EN TYDPERKE VAN ONGE-MAGTIGDE AFWESIGHEID VAN DIENS

28. (1) (a) Aansoek om verlof word skriftelik gedoen in wesenlik die vorm wat die betrokke plaaslike bestuur bepaal.

- (b) per hour of overtime duty on a day other than a day referred to in paragraph (a), one and one-third times the hourly equivalent of the annual remuneration of the employee or temporary employee concerned:

Provided that instead of paying overtime remuneration to an employee or temporary employee a local authority may grant him special leave on full pay for a corresponding period, at such time as the exigencies of the service may permit, or may credit the overtime, calculated in units of full working days, to his vacation leave.

- (2) In calculating overtime service performed by an employee or temporary employee—
- (a) a part of an hour shall not be taken into account if it is continuous with the official hours of attendance of such employee or temporary employee;
- (b) a part of an hour shall, subject to the provisions of paragraph (c), be taken into account if it is not continuous with the official hours of attendance of such employee or temporary employee;
- (c) a part of an hour shall, subject to the provisions of paragraphs (a) and (b), be taken as an hour if it is half an hour or longer and shall not be taken into account if it is less than half an hour.

STAND-BY DUTY AND PAYMENT THEREFOR

26. (1) A supervisor may, subject to the directions of the local authority concerned, instruct an employee or temporary employee under his control to perform stand-by duty for such period outside official hours of attendance of such employee as may be determined by such supervisor.
- (2) An employee or temporary employee performing stand-by duty shall be remunerated therefor at such tariff fixed as the local authority concerned may fix and the Director may approve for the class or group of employees concerned.

APPLICABILITY OF LEAVE REGULATIONS

27. Regulations 28 up to and including 46 shall apply to all employees or temporary employees: Provided that, in the case of employees or temporary employees whose conditions of service have been determined in accordance with industrial or similar agreements—
- (1) the said regulations shall apply only to the extent to which it is expressly provided therein that they shall apply to the said employees or temporary employees;
- (2) the leave privileges of such employees or temporary employees shall otherwise be such as may be determined by the local authority concerned.

LEAVE APPLICATION FORMS, GRANTING AND WITHDRAWAL OF LEAVE, AND UNAUTHORISED ABSENCES FROM DUTY

28. (1) (a) Application for leave shall be made in writing substantially in such form as the local authority concerned may determine.

- (b) 'n Sertifikaat van ongesteldheid wat ter stawing van 'n aansoek om siekteverlof voorgelê word, moet wesenlik in die vorm wees wat die betrokke plaaslike bestuur bepaal.
- (2) (a) Die toestaan van alle afwesigheidsverlof is onderworpe aan die goedkeuring van die betrokke plaaslike bestuur.
- (b) Reeds toegestane verlof kan eniger tyd deur die betrokke plaaslike bestuur ingetrek word, in welke geval sodanige plaaslike bestuur die betrokke werknemer of tydelike werknemer kan vergoed vir enige onverhaalbare uitgawes deur hom ten opsigte van 'n vakansie aangegaan nadat hy in kennis gestel is dat sy aansoek om verlof goedgekeur is en voordat hy van sodanige intrekking in kennis gestel is, of vir verpligtinge deur hom aangegaan ten opsigte van 'n vakansie gedurende dieselfde tydperk: Met dien verstande dat indien sodanige werknemer of tydelike werknemer moet reis ten einde sy diens te hervat, sodanige plaaslike bestuur aan hom 'n *ex gratia*-betaling van 'n bedrag deur genoemde plaaslike bestuur bepaal, kan maak ten opsigte van die koste deur sodanige werknemer of tydelike werknemer in verband met sodanige reis aangegaan: Met dien verstande voorts dat genoemde werknemer of tydelike werknemer geag word op diens te wees terwyl hy aldus reis.
- (c) Afwesigheidsverlof, uitgesonderd siekteverlof, word toegestaan slegs met behoorlike inagneming van die behoeftes van die betrokke plaaslike bestuur.
- (d) 'n Plaaslike bestuur kan, op die skriftelike versoek van 'n werknemer of tydelike werknemer, reeds toegestane vakansieverlof intrek, uitgesonderd die vakansieverlof bedoel in regulasie 32 (3).
- (3) Geen werknemer of tydelike werknemer, behalwe 'n werknemer of tydelike werknemer wat in sy diens geskors word of wat weens sy skielike siekte of ander omstandighede wat vir die betrokke plaaslike bestuur aanneemlik is, verhinder word om op diens te bly of hom vir diens aan te meld, verlaat sy werk of bly van diens af weg nie, voordat hy skriftelik om verlof aansoek gedoen het en hy deur die betrokke plaaslike bestuur of sy toesighouer in kennis gestel is dat genoemde plaaslike bestuur sy aansoek om verlof goedgekeur het.
- (4) (a) Uitgesonderd soos in hierdie regulasies of deur die betrokke plaaslike bestuur anders bepaal word, word alle tydperke van ongemagtigde afwesigheid van diens, nieteenstaande enige tugstappe wat teen 'n werknemer gedoen word, geag vakansieverlof sonder betaling te wees.
- (b) Die indiening van 'n skriftelike aansoek om verlof is nie 'n vereiste in die geval van 'n tydperk van ongemagtigde afwesigheid nie.
- (b) A certificate of indisposition submitted in support of an application for sick leave shall be substantially in such form as the local authority concerned may determine.
- (2) (a) The granting of all leave of absence shall be subject to approval by the local authority concerned.
- (b) Leave already granted may at any time be withdrawn by the local authority concerned, in which case such local authority may compensate the employee or temporary employee concerned for any irrecoverable expenses incurred by him in respect of a vacation after having been informed that his application for leave had been approved and before being notified of such withdrawal, or for commitments incurred by him in respect of a vacation during the same period: Provided that if such employee or temporary employee has to travel to resume his duties such local authority may make to him an *ex gratia* payment, in such amount as the said local authority may determine, in respect of expenses incurred by such employee or temporary employee in connection with such journey: Provided further that the said employee or temporary employee shall be deemed to be on duty during such journey.
- (c) Leave of absence, except sick leave, shall be granted only with due regard to the needs of the local authority concerned.
- (d) A local authority may, if so requested in writing by an employee or temporary employee, withdraw vacation leave already granted, except for holiday leave referred to in regulation 32 (3).
- (3) No employee or temporary employee, except an employee or temporary employee who is suspended from duty or is prevented by sudden illness or other circumstances acceptable to the local authority concerned, remaining at his post or from reporting for duty, shall leave his post or absent himself from duty before he has applied in writing for leave and has been informed by the local authority concerned or his supervisor that his application for leave has been granted by the said local authority.
- (4) (a) Except as otherwise provided in these regulations or otherwise determined by the local authority concerned, all periods of unauthorised absence from duty shall notwithstanding any disciplinary action taken against an employee or temporary employee, be deemed to be vacation leave without pay.
- (b) The submission of a written application for leave shall not be a requirement in the case of a period of unauthorised absence.

VERLOFSTATE

29. (1) 'n Plaaslike bestuur hou ten opsigte van elke werknemer of tydelike werknemer 'n verlofstaat waarin alle tydperke van afwesigheid van diens aangeteken word ooreenkomstig die indeling in regulasie 30 (1) vervat.

LEAVE REGISTERS

29. (1) A local authority shall keep a leave register in respect of each employee or temporary employee in which all absences from duty shall be recorded in accordance with the classification contained in regulation 30 (1).

- (2) Alle aansoeke om verlof word, vir die tydperk wat die betrokke plaaslike bestuur bepaal, vir audit- en ander doeleindes bewaar in die kantoor waar die verlofstaat gehou word.

INDELING VAN AFWESIGHEIDSVLOF

30. (1) Alle tydperke van afwesigheid van diens met verlof word onder een of meer van die volgende hoofde ingedeel:
- Vakansieverlof met volle besoldiging.
 - Vakansieverlof sonder besoldiging.
 - Siekteverlof met volle besoldiging.
 - Siekteverlof met halwe besoldiging.
 - Siekteverlof sonder besoldiging.
 - Spesiale verlof.
 - Spesiale siekteverlof.
- (2) Die toestaan van verlof onder enig een van die hoofde in subregulasie (1) genoem, beïnvloed nie die toestaan van verlof onder enige van die ander genoemde hoofde nie, uitgesonderd soos elders in hierdie regulasies uitdruklik bepaal word.

GROEPERING VAN WERKNEMERS OF TYDELIKE WERKNEMERS VIR VERLOFDOELEINDES EN VERLOFVOORSIENING

31. Werknemers of tydelike werknemers word vir die doel van die toestaan van afwesigheidsverlof in die volgende groepe ingedeel:

- (1) Werknemers, tydelike werknemers en kontrakwerknemers:

Groep:

- (a) 10 of meer jaar diens of in ontvangs van 'n salaris gelykstaande met die aanvangsalaris van die salarisskaal vir Eerste Klerk of gelykwaardige range uitgesonderd kontrakwerknemers vir siekteverlofdoeleindes:

<i>Vakansieverlof</i>	<i>Siekteverlof</i>
36 dae per jaar	120 dae met volle besoldiging en 120 dae met halwe besoldiging per siklus.
26 werkdade (vyfdag-week)	86 werkdade (vyfdagweek) met volle besoldiging en 86 werkdade (vyfdagweek) met halwe besoldiging per siklus.
31 werkdade (sesdag-week)	103 werkdade (sesdagweek) met volle besoldiging en 103 werkdade (sesdagweek) met halwe besoldiging per siklus.

Groep:

- (b) Minder as 10 jaar diens of in ontvangs van 'n salaris minder as die aanvangskerf van die salarisskaal vir Eerste Klerk of gelykwaardige range, uitgesonderd kontrakwerknemers vir siekteverlofdoeleindes:

<i>Vakansieverlof</i>	<i>Siekteverlof</i>
30 dae per jaar	120 dae met volle besoldiging en 120 dae met halwe besoldiging per siklus.
21 werkdade (vyfdag-week)	86 werkdade (vyfdagweek) met volle besoldiging en 86 werkdade (vyfdagweek) met halwe besoldiging per siklus.
26 werkdade (sesdag-week)	103 werkdade (sesdagweek) met volle besoldiging en 103 werkdade (sesdagweek) met halwe besoldiging per siklus.

- (2) All applications for leave shall, for such period as the local authority concerned may direct, be filed for audit and other purposes in the office where the leave register is kept.

CLASSIFICATION OF LEAVE OF ABSENCE

30. (1) All absences from duty on leave shall be classified under one or more of the following heads:

- Vacation leave with full pay.
- Vacation leave without pay.
- Sick leave with full pay.
- Sick leave with half pay.
- Sick leave without pay.
- Special leave.
- Special sick leave.

- (2) The granting of leave under any one of the heads mentioned in subregulation (1) shall not affect the granting of leave under any of the other heads mentioned, except as expressly provided elsewhere in these regulations.

GROUPING OF EMPLOYEES OR TEMPORARY EMPLOYEES FOR LEAVE PURPOSES AND PROVISION FOR LEAVE

31. For the purpose of granting leave of absence, employees or temporary employees shall be classified in the undermentioned groups:

- (1) Employees, temporary employees and employees on contract:

Group:

- (a) 10 years' service or longer or in receipt of a salary equal to the commencing notch of the salary scale for Principal Clerk or equivalent ranks excluding contract workers for sick leave purposes:

<i>Vacation leave</i>	<i>Sick leave</i>
36 days per annum	120 days on full pay and 120 days on half pay per cycle.
26 working days (five day week)	86 working days (five day week) on full pay and 86 working days (five day week) on half pay per cycle.
31 working days (six day week)	103 working days (six day week) on full pay and 103 working days (six day week) on half pay per cycle.

Group:

- (b) Less than 10 years' service or in receipt of a salary lower than the commencing salary notch of the salary scale for Principal Clerk or equivalent ranks excluding contract workers for sick leave purposes:

<i>Vacation leave</i>	<i>Sick leave</i>
30 days per annum	120 days on full pay and 120 days on half pay per cycle.
21 working days (five day week)	86 working days (five day week) on full pay and 86 working days (five day week) on half pay per cycle.
26 working days (six day week)	103 working days (six day week) on full pay and 103 working days (six day week) on half pay per cycle.

Siekteverlof: Kontrakwerknemers

- (i) 40 dae per jaar;
 - (ii) 29 werkdade (vyfdagweek) per jaar;
 - (iii) 34 werkdade (sesdagweek) per jaar.
- (2) Tydelike werknemers en groepe tydelike werknemers wat nie-voorgeskrewe poste beklee of op ander voorwaardes in diens is:

Groep:

- (a) 15 of meer jaar diens of 5 jaar of langer in ontvangs van 'n salaris gelykstaande met of hoër as die aanvangskerf van die salarisskaal vir 'n Klerk, Graad II:

Vakansieverlof**Siekteverlof**

30 dae per jaar	120 dae met volle besoldiging van 120 dae met halwe besoldiging per siklus.
21 werkdade (vyfdag-week)	86 werkdade (vyfdagweek) met volle besoldiging en 86 werkdade (vyfdagweek) met halwe besoldiging per siklus.
26 werkdade (sesdag-week)	103 werkdade (sesdagweek) met volle besoldiging en 103 werkdade (sesdagweek) met halwe besoldiging per siklus.

Siekteverlof: Kontrakwerknemers

- (i) 40 dae per jaar;
- (ii) 29 werkdade (vyfdagweek) per jaar;
- (iii) 34 werkdade (sesdagweek) per jaar.

Groep:

- (b) 10 of meer jaar diens maar minder as 15 jaar diens of 5 jaar of langer in ontvangs van 'n salaris gelykstaande met of hoër as die aanvangskerf van die salarisskaal vir 'n Klerk, Graad II:

Vakansieverlof**Siekteverlof**

25 dae per jaar	90 dae met volle besoldiging en 90 dae met halwe besoldiging per siklus.
18 werkdade (vyfdag-week)	64 werkdade (vyfdagweek) met volle besoldiging en 64 werkdade (vyfdagweek) met halwe besoldiging per siklus.
21 werkdade (sesdag-week)	77 werkdade (sesdagweek) met volle besoldiging en 77 werkdade (sesdagweek) met halwe besoldiging per siklus.

Siekteverlof: Kontrakwerknemers

- (i) 30 dae per jaar;
- (ii) 22 werkdade (vyfdagweek) per jaar;
- (iii) 29 werkdade (sesdagweek) per jaar.

Groep:

- (c) Minder as 10 jaar diens of in ontvangs van 'n salaris minder as die aanvangskerf van die salarisskaal vir 'n Klerk, Graad II:

Sick leave: Employees on contract

- (i) 40 days per annum;
 - (ii) 29 working days (five day week) per annum;
 - (iii) 34 working days (six day week) per annum.
- (2) Temporary employees and groups of temporary employees that occupy non-prescribed posts or who are employed on other conditions:

Group:

- (a) 15 years' service or longer or in receipt, for 5 years or longer, of a salary equivalent to or higher than the commencing notch of the salary scale for a Clerk, Grade II:

Vacation leave**Sick leave**

30 days per annum	120 days on full pay and 120 days on half pay per cycle.
21 working days (five day week)	86 working days (five day week) on full pay and 86 working days (five day week) on half pay per cycle.
26 working days (six day week)	103 working days (six day week) on full pay and 103 working days (six day week) on half pay per cycle.

Sick leave: Employees on contract

- (i) 40 days per annum;
- (ii) 29 working days (five day week) per annum;
- (iii) 34 working days (six day week) per annum.

Group:

- (b) 10 years' service or longer, but less than 15 years' service, or in receipt, for 5 years or longer, of a salary equivalent to or higher than the commencing notch of the salary scale for a Clerk, Grade II:

Vacation leave**Sick leave**

25 days per annum	90 days on full pay and 90 days on half pay per cycle.
18 working days (five day week)	64 working days (five day week) on full pay and 64 working days (five day week) on half pay per cycle.
21 working days (six day week)	77 working days (six day week) on full pay and 77 working days (six day week) on half pay per cycle.

Sick leave: Employees on contract

- (i) 30 days per annum;
- (ii) 22 working days (five day week) per annum;
- (iii) 29 working days (six day week) per annum.

Group:

- (c) Less than 10 years' service or in receipt of a salary lower than the commencing notch of the salary scale for a Clerk, Grade II:

<i>Vakansieverlof</i>	<i>Siekteverlof</i>	<i>Vacation leave</i>	<i>Sick leave</i>
21 dae per jaar	60 dae met volle besoldiging van 60 dae met halwe besoldiging per siklus.	21 days per annum	60 days on full pay and 60 days on half pay per cycle
15 werkdag (vyfdag- week)	43 werkdag (vyfdagweek) met volle besoldiging en 43 werk- dag (vyfdagweek) met halwe besoldiging per siklus.	15 working days (five day week)	43 working days (five day week) on full pay and 43 working days (five day week) on half pay per cycle
18 werkdag (sesdag- week)	51 werkdag (sesdagweek) met volle besoldiging en 51 werk- dag (sesdagweek) met halwe besoldiging per siklus.	18 working days (six day week)	51 working days (six day week) on full pay and 51 working days (six day week) on half pay per cycle

Siekteverlof: Kontrakwerknemers

- (i) 20 dae per jaar;
- (ii) 14 werkdag (vyfdagweek) per jaar;
- (iii) 17 werkdag (sesdagweek) per jaar.

Groep:

- (d) Studente wat vir vakansiewerk in diens ge-
neem is: Geen verlofvoordele nie.

ALGEMENE BEPALINGS: VAKANSIEVERLOF

32. (1) Behoudens die bepalings van regulasie 42 (1), was ooplopende vakansieverlof aan ten opsigte van elke voltooide maand van diens en wel teen die koers van een twaalfde van die voorsiening wat ingevolge regulasie 31 op die betrokke werknemer of tydelike werknemer van toepassing is.
- (2) Indien 'n werknemer of tydelike werknemer van een betrekking na 'n ander betrekking oorgeplaas word en sodanige oorplasing 'n verandering van sy groepering vir verlofdoeleindes meebring of indien hy om enige ander rede as so 'n oorplasing van die een na die ander vakansieverlofgroep oorgaan—
 - (a) behou hy die vakansieverlof wat gedurende sy dienstydperk in die vorige groep of groepe aangewas het en
 - (b) word die nuwe groep se vakansieverlof op hom van toepassing vanaf die eerste dag van die maand waarin sodanige oorplasing of oorgang van krag word, tensy die bepalings van regulasie 45 (2) op hom van toepassing is.
- (3) 'n Plaaslike bestuur kan te eniger tyd van 'n werknemer of tydelike werknemer vereis dat hy 'n gedeelte of die geheel van die vakansieverlof wat hom toekom, neem: Met dien verstande dat die maksimum tydperk van verlof wat by subregulasie (4) voorgeskryf word, nie oorskry word nie.
- (4) Behoudens die bepalings van regulasie 34 en behalwe met goedkeuring van die betrokke plaaslike bestuur, mag aan geen werknemer of tydelike werknemer vakansieverlof van altesaam meer as 184 dae in enige tydperk van 18 kalendermaande toegestaan word nie, en enige afwesigheid van diens wat hierdie beperking oorskry, word gedek deur die bestaan van vakansieverlof sonder betaling: Met dien verstande dat vir die doel van hierdie subregulasie vakansieverlof wat kragtens regulasie 35 (3) (a) toegestaan word, buite rekening gelaat.
- (5) Die ooplopende vakansieverlof wat 'n werknemer of tydelike werknemer op 1 Januarie van elke jaar tot sy krediet het, word in die verlofstaat aangeteken, en by die aantekening van sodanige krediet word enige gedeelte van 'n dag as een dag gereken.

Sick leave: Employees on contract

- (i) 20 days per annum;
- (ii) 14 working days (five day week) per annum;
- (iii) 17 working days (six day week) per annum.

Group:

- (d) Students performing holiday work: No leave benefits.

GENERAL PROVISIONS: VACATION LEAVE

32. (1) Subject to the provisions of regulation 42 (1), accumulative vacation leave shall accrue in respect of each completed month of service at the rate of one-twelfth of the provision applicable to the employee or temporary employee concerned in terms of regulation 31.
- (2) If an employee or temporary employee is transferred from one post to another and such transfer results in a change in his classification for leave purposes or if, for any reason other than such a transfer, he passes from one vacation leave group to another—
 - (a) he shall retain the vacation leave that accrued during his service in the previous group or groups and
 - (b) the vacation leave of the new group shall become applicable to him from the first day of the month during which such transfer or translation becomes effective, unless the provisions of regulation 45 (2) are applicable to him.
- (3) A local authority may at any time require an employee or temporary employee to take the whole or a portion of the vacation leave due to him: Provided that the maximum period of leave prescribed in subregulation (4) shall not be exceeded.
- (4) Subject to the provisions of regulation 34 and except with the approval of the local authority concerned, no employee or temporary employee shall be granted vacation leave in excess of 184 days in the aggregate in any period of 18 calendar months and any absence from duty for a period longer than this limit shall be covered by the granting of vacation leave without pay: Provided that for the purpose of this subregulation no account shall be taken of vacation leave granted in terms of regulation 35 (3) (a).
- (5) The accumulative vacation leave standing to the credit of an employee or temporary employee on 1 January of each year shall be recorded in the leave register, and in recording such credit any portion of a day shall be reckoned as one day.

OORTOEKENNING VAN VAKANSIEVERLOF

33. Indien daar aan 'n werknemer of tydelike werknemer meer vakansieverlof met volle besoldiging toegestaan is as wat hy op daardie tydstop tot sy krediet gehad het, kan sodanige oortoekeening afgetrek word van vakansieverlof wat later aan hom toeval: Met dien verstande dat die betrokke plaaslike bestuur oortuig is dat sodanige oortoekeening te goeder trou gedoen is: Met dien verstande voorts dat indien sodanige werknemer of tydelike werknemer bedank of sy dienste beëindig word voordat voldoende vakansieverlof vir die doel van sodanige aftrekking aan hom toegeval het, daardie gedeelte van sodanige oortoekeening wat sy vakansieverlofkrediet op die laaste dag van sy diens oorskry, geag word 'n oorbetalings van salaris te wees wat of teruggevorder of kragtens bevoegde magtiging afgeskryf word.

VAKANSIEVERLOF SONDER BESOLDIGING

34. (1) Indien gegronde redes daarvoor bestaan, kan 'n plaaslike bestuur aan 'n werknemer of tydelike werknemer wat geen vakansieverlof met besoldiging tot sy krediet het nie, vakansieverlof sonder besoldiging toestaan vir hoogstens 184 dae altesaam in enige tydperk van 18 kalendermaande.
- (2) Behoudens die bepalings van regulasies 32 (4) en 42 (2), word geen vakansieverlof sonder betaling aan 'n werknemer of tydelike werknemer toegestaan nie, tensy alle vakansieverlof met volle besoldiging wat hy tot sy krediet gehad het, uitgeput is.
- (3) 'n Werknemer of tydelike werknemer aan wie verlof sonder betaling vir 'n aaneenlopende tydperk van meer as 15 dae toegestaan word, is ten opsigte van genoemde tydperk van verlof sonder betaling self verantwoordelik vir die betaling van alle pensioenbydraes en bydraes tot die mediese fonds waarvoor die betrokke plaaslike bestuur normaalweg verantwoordelik is.

ALGEMENE BEPALINGS: SIEKTEVERLOF

35. (1) Siekteverlof val op die eerste dag van 'n siklus aan 'n werknemer of tydelike werknemer toe, met ingang van welke dag die volle voorsiening vir die betrokke siklus aan hom toegestaan kan word, onderworpe aan die ander bepalings van hierdie regulasies: Met dien verstande dat siekteverlof met volle of halwe besoldiging aan 'n werknemer of tydelike werknemer toegestaan word eers nadat hy 30 dae diens, gereken vanaf die datum van sy aanstelling, voltooi het en slegs ten opsigte van tydperke van afwesigheid ná die voltooiing van sodanige diens.
- (2) Die ongebruikte gedeelte, as daar is, van die siekteverlofvoorsiening vir 'n siklus verval aan die einde van sodanige siklus en word nie na die volgende siklus oorgedra nie.
- (3) (a) Aan 'n werknemer of tydelike werknemer kan, op skriftelike aansoek, enige vakansieverlof wat hy tot sy krediet het, toegestaan word in plaas van siekteverlof met halwe besoldiging of siekteverlof sonder besoldiging: Met dien verstande dat—
- (i) sodanige aansoek uiterlik drie kalendermaande nadat hy diens hervat het, ingedien word; en

OVERGRANT OF VACATION LEAVE

33. If an employee or temporary employee has been granted vacation leave with full pay in excess of that standing to his credit at the time, such overgrant may be deducted from vacation leave subsequently accruing to him: Provided that the local authority concerned shall be satisfied that such overgrant was made in good faith: Provided further that, if such employee or temporary employee resigns or his services are terminated before sufficient vacation leave has accrued to him for the purpose of such deduction, such portion of the overgrant as exceeds his vacation leave credit on his last day of service shall be deemed to be an overpayment of salary to be recovered or written off in terms of competent authority.

VACATION LEAVE WITHOUT PAY

34. (1) If sound reasons exist, a local authority may grant an employee or temporary employee who has no vacation leave with pay to his credit, vacation leave without pay to a maximum of 184 day in the aggregate in any period of 18 calendar months.
- (2) Subject to the provisions of regulations 32 (4) and 42 (2), no vacation leave without pay shall be granted to an employee or temporary employee until such time as all vacation leave with full pay standing to his credit has been exhausted.
- (3) An employee or temporary employee who is granted leave without pay for a continuous period of more than 15 days shall be responsible in respect of the said period of leave without pay for the payment of all contributions to the pension fund and the medical aid fund for which the local authority concerned is normally responsible.

GENERAL PROVISIONS: SICK LEAVE

35. (1) Sick leave shall accrue to an employee or temporary employee on the first day of a cycle, with effect from which day the full provision of the relative cycle may be granted to him subject to the other provisions of these regulations: Provided that sick leave on full or half pay shall be granted to an employee or temporary employee only after he has completed 30 days' service reckoned from the date of his appointment and only in respect of absences subsequent to the completion of such service.
- (2) The unused portion, if any, of the sick leave provision of a cycle shall lapse at the end of such cycle and shall not be carried forward to the next cycle.
- (3) (a) An employee or temporary employee may, on application in writing, be granted any vacation leave which he may have to his credit in lieu of sick leave on half pay or sick leave without pay: Provided that—
- (i) such application shall be submitted not later than three calendar months after he has resumed duty; and

- (ii) die betrokke plaaslike bestuur oortuig is dat sodanige werknemer of tydelike werknemer op die betrokke tydstop nie permanent ongeskik is vir die hervatting van sy normale pligte nie.
- (b) Indien vakansieverlof aan 'n werknemer of tydelike werknemer ooreenkomstig paragraaf (a) toegestaan is en hy ten opsigte daarvan betaling ontvang het, word sodanige verlof nie weer in siekteverlof met halwe besoldiging of sonder besoldiging omgeskep nie.
- (4) (a) Indien 'n werknemer of tydelike werknemer aan wie vakansieverlof toegestaan is, siek word nadat hy reeds sy diens verlaat het om met vakansieverlof te gaan, kan sodanige gedeelte van genoemde vakansieverlof as wat gedek word deur 'n sertifikaat wat deur 'n geregistreerde geneesheer of 'n geregistreerde tandarts uitgereik is en wat voldoen aan die vereistes voorgeskryf by regulasie 36, in siekteverlof omgeskep word, mits die nodige siekteverlof kragtens hierdie regulasies beskikbaar is.
- (b) Vakansieverlof sonder besoldiging word nie in siekteverlof met volle of halwe besoldiging omskep nie.
- (5) (a) 'n Werknemer of tydelike werknemer is geregtig op siekteverlof ten opsigte van elke agtereenvolgende siklus van drie jaar en sy eerste siklus begin op die aanvangsdatum van diens.
- (b) Ongebruikte siekteverlof aan die einde van elke siklus van drie jaar verval.
- (c) 'n Plaaslike bestuur, kan nadat 'n werknemer of tydelike werknemer sy siekteverloftoekenning in 'n bepaalde siklus van drie jaar uitgeput het, siekteverlof met volle of halwe besoldiging of sonder besoldiging na goeddunke, en met inagneming van die omstandighede van elke bepaalde geval, aan sodanige werknemer of tydelike werknemer toestaan indien dit uit mediese verslae blyk dat die toestaan van addisionele siekteverlof hom in sodanige mate sal laat herstel dat hy sy gewone pligte bevredigend sal kan verrig.

TOESTAAN VAN SIEKTEVERLOF

36. (1) Siekteverlof word toegestaan slegs ten opsigte van 'n werknemer of tydelike werknemer se afwesigheid van diens weens siekte, ongesteldheid of besering wat nie te wyte is aan sy wangedrag of gebrek aan behoorlike voorsorg nie.
- (2) Indien 'n werknemer of tydelike werknemer aan alkohol of dwelmmiddels verslaaf is en indien 'n geregistreerde geneesheer behandeling vir sodanige verslawing voorgeskryf het, kan aan sodanige werknemer of tydelike werknemer siekteverlof toegestaan word. Met dien verstande dat sodanige werknemer of tydelike werknemer voltyds deur 'n geregistreerde geneesheer of in 'n inrigting behandel word.
- (3) Ten opsigte van senuwee-aandoenings, slape-loosheid, swakte en dergelike swak omskrewesiektes of ongesteldhede word siekteverlof toegestaan slegs indien die betrokke plaaslike bestuur oortuig is dat die aansoeker se gesondheidstoestand hom ongeskik maak vir sy werk.

- (ii) the local authority concerned shall be satisfied that such employee or temporary employee is not at that stage permanently unfit for the resumption of his normal duties.
- (b) Once vacation leave has been granted to an employee or temporary employee as provided in paragraph (a) and he has received payment in respect thereof, such leave shall not be reconverted into sick leave on half pay or without pay.
- (4) (a) If an employee or temporary employee to whom vacation leave has been granted falls ill after he has left his duties to proceed on vacation leave, such portion of the said vacation leave as is covered by a certificate issued by a registered medical practitioner or a registered dentist which complies with the requirements prescribed in regulation 36 may be converted into sick leave, subject to the necessary sick leave being available in terms of these regulations.
- (b) Vacation leave without pay shall not be converted into sick leave on full or half pay.
- (5) (a) An employee or temporary employee shall be entitled to sick leave in respect of each successive cycle of three years and his first cycle shall commence on his commencing date of service.
- (b) Unused sick leave at the end of each cycle of three years shall lapse.
- (c) A local authority may after an employee or temporary employee has exhausted his sick leave provision in a particular cycle of three years, grant such employee or temporary employee sick leave on full or half pay or without pay at its discretion and with due regard to the circumstances of each particular case if it appears from medical reports that the granting of additional sick leave will enable him to recover to such an extent that he will be able to perform his normal duties satisfactorily.

GRANTING OF SICK LEAVE

36. (1) Sick leave shall be granted only in respect of the absence from duty of an employee or temporary employee owing to an illness, indisposition or injury not due to his misconduct or failure to take reasonable precautions.
- (2) If an employee or temporary employee is addicted to alcohol or to drugs and if treatment for such addiction has been prescribed by a medical practitioner, such employee or temporary employee may be granted sick leave: Provided that the said employee or temporary employee shall be treated in a full-time capacity by a medical practitioner in an institution.
- (3) Sick leave may be granted in respect of nervous complaints, insomnia, debility and similar ill-defined illnesses or indispositions only if the local authority concerned is satisfied that the applicant's state of health incapacitates him for duty.

- (4) (a) 'n Plaaslike bestuur kan ten eniger tyd eis dat 'n werknemer of tydelike werknemer hom onderwerp aan 'n ondersoek deur een of meer geregistreerde geneeshere of geregistreerde tandarts deur sodanige plaaslike bestuur aangewys.
- (b) Die onkoste verbonde aan sodanige ondersoek word uit fondse van die betrokke plaaslike bestuur betaal.
- (5) (a) Indien 'n werknemer of tydelike werknemer weens siekte van diens afwesig is vir 'n aaneenlopende tydperk van meer as drie dae, word siekteverlof aan hom toegestaan slegs indien hy by die betrokke plaaslike bestuur 'n sertifikaat in dien wat deur 'n geregistreerde geneesheer of 'n geregistreerde tandarts uitgereik is, wat duidelik die aard van die siekte beskryf, wat verklaar dat hy nie in staat is om sy pligte waar te neem nie en wat die tydperk vermeld wat vir sy herstel nodig is.
- (b) 'n Plaaslike bestuur kan eis dat sodanige sertifikaat ten opsigte van tydperke van afwesigheid van drie dae of minder ingedien word.
- (c) Indien 'n plaaslike bestuur daarvan oortuig is dat 'n werknemer of tydelike werknemer se afwesigheid te wyte is aan siekte en dat daar goeie redes bestaan waarom 'n sertifikaat van ongesteldheid nie ingedien is nie, kan hy die betrokke werknemer of tydelike werknemer van die vereiste om sodanige sertifikaat in te dien kwytsteld ten opsigte van 'n aaneenlopende tydperk van siekteverlof van hoogstens 14 dae, en sodanige kwytstelling word op die betrokke aansoek om verlof geëndosseer.
- (6) (a) Siekteverlof, met of sonder besoldiging, ten opsigte waarvan geen in subregulasie (5) bedoelde sertifikaat ingedien word nie, kan, gedurende 'n jaar eindigende op 31 Desember, toegestaan word vir altesaam hoogstens 10 dae, en enige verdere tydperke van afwesigheid word gedek deur die bestaan van vakansieverlof met volle besoldiging of, indien die betrokke werknemer of tydelike werknemer geen vakansieverlof tot sy krediet het nie, van vakansieverlof sonder besoldiging.
- (b) Die bepalinge van hierdie subregulasie is nie van toepassing op tydperke van afwesigheid in (5) (c) bedoel nie, en sodanige tydperke word nie ingereken by die vaststelling van genoemde 10 dae nie.
- (7) Ondanks die indiening van 'n sertifikaat in subregulasie (5) bedoel, kan die betrokke plaaslike bestuur weier om siekteverlof met besoldiging toe te staan ten opsigte van enige afwesigheid van diens waarop sodanige sertifikaat betrekking het, in welke geval sodanige afwesigheid geag word ongemagtig te wees en die bepalinge van regulasie 28 (4) van toepassing is.

SPEZIALE SIEKTEVERLOF

37. (1) Aan 'n werknemer of tydelike werknemer wat van diens afwesig is weens 'n besering opgedoen in 'n ongeval wat ontstaan uit en plaasvind in die loop van sy diens, of weens 'n siekte opgedoen in

- (4) (a) A local authority may at any time require an employee or temporary employee to submit to an examination by one or more registered medical practitioners or registered dentists nominated by such local authority.
- (b) The expenses in connection with such examination shall be met from funds of the local authority concerned.
- (5) (a) If an employee or temporary employee is absent from duty for a continuous period of more than three days owing to illness, he shall be granted sick leave only if he furnishes the local authority concerned with a certificate issued by a registered medical practitioner or a registered dentist which clearly describes the nature of the illness, which states that he is not capable of performing his official duties and in which is indicated the period necessary for his recuperation.
- (b) A local authority may require the submission of such certificate in respect of periods of absence of three days or less.
- (c) If a local authority is satisfied that the absence of an employee or temporary employee is due to illness and that there are good reasons for the non-submission of a certificate of indisposition, it may waive the submission of such certificate by the employee or temporary employee concerned in respect of sick leave for a continuous period not exceeding 14 days and such waiver shall be endorsed on the leave application concerned.
- (6) (a) Sick leave, with or without pay, in respect of which no certificate referred to in subregulation (5) is submitted shall be granted for an aggregate of no more than 10 days during any year ending on 31 December and any further periods of absence shall be covered by the granting of vacation leave with full pay or, if the employee or temporary employee concerned has no vacation leave to his credit, of vacation leave without pay.
- (b) The provisions of this subregulation shall not apply to periods of absence referred to in subregulation (5) (c) and such periods shall not be taken into account in the determination of the said 10 days.
- (7) Notwithstanding the submission of a certificate referred to in subregulation (5), the local authority concerned may refuse to grant sick leave with pay in respect of any absence from duty to which such certificate relates, in which case such absence shall be deemed to be unauthorised and the provisions of regulation 28 (4) shall apply.

SPECIAL SICK LEAVE

37. (1) An employee or temporary employee who is absent from duty owing to an injury sustained in an accident arising out of and in the course of his duties or owing to an illness contracted in the

die loop van en as gevolg van sy diens, kan spesiale siekteverlof met volle besoldiging toegestaan word vir die tydperk waartydens hy nie geskik is om sy gewone pligte uit te voer nie of, indien die geval binne die bestek van die Ongevallewet, 1941 (Wet 30 van 1941), soos gewysig, ressorteer, spesiale siekteverlof met besoldiging gelykstaande aan die verskil tussen volle besoldiging en die skadeloosstelling wat aan hom kragtens genoemde Wet by wyse van van periodieke uitkerings betaalbaar is: Met dien verstande dat geen spesiale siekteverlof met besoldiging kragtens hierdie regulasie toegestaan word waar sodanige ongeval deur 'n derde party veroorsaak is nie, tensy sodanige werknemer of tydelike werknemer of die betrokke plaaslike bestuur magtig om namens hom 'n eis vir skade deur genoemde werknemer gely, teen genoemde derde party in te stel, of onderneem om self 'n eis teen sodanige derde party in te stel en om, uit enige bedrag wat verhaal word, genoemde plaaslike bestuur te vergoed vir die skade wat genoemde plaaslike bestuur as gevolg van sodanige ongeval ly.

- (2) Geen spesiale siekteverlof word kragtens hierdie regulasie toegestaan nie indien die betrokke plaaslike bestuur van oordeel is dat sodanige ongeval toe te skryf is aan die ernstige en opsetlike wangedrag van die betrokke werknemer of tydelike werknemer.
- (3) Die bepalinge van regulasie 36 (4), (5) en (6) is *mutatis mutandis* van toepassing op die bestaan van spesiale siekteverlof.

SPEZIALE VERLOF MET VOLLE BESOLDIGING

38. (1) Spesiale verlof met volle besoldiging kan aan 'n werknemer of tydelike werknemer toegestaan word indien hy van diens afwesig is vanweë die feit dat—
 - (a) hy 'n eksamen van 'n erkende universiteit binne die Republiek aflê of 'n ander eksamen aflê wat die betrokke plaaslike bestuur aanwys;
 - (b) hy ooreenkomstig geneeskundige opdragte in afsondering of isolasie is nadat hy in aanraking was met 'n persoon wat 'n besmetlike of aansteeklike siekte opgedoen of vermoedelik opgedoen het: Met dien verstande dat die bestaan van spesiale verlof kragtens hierdie paragraaf onderworpe is aan die indiening van 'n sertifikaat wat deur 'n geregistreerde geneesheer uitgereik is en wat die tydperk en oorsaak van sodanige afsondering of isolasie aandui;
 - (c) hy gevange geneem word of op 'n aanklag van 'n misdaad voor die hof moet verskyn, indien hy later vrygespreek word of sodanige aanklag teruggetrek word;
 - (d) hy deur 'n erkende amateur-sportvereniging gekies word om—
 - (i) as lid van 'n georganiseerde sportgroep, hetsy as deelnemer, afrieter of bestuurder, aan 'n sporttoer buite die Republiek mee te doen; of
 - (ii) Suid-Afrika, en nie slegs 'n klub of provinsie nie, by 'n internasionale sportwedstryd binne die Republiek as deelnemer, afrieter of bestuurder te verteenwoordig; of

course of and as a result of his duties may be granted special sick leave with full pay for the period during which he is incapacitated for his normal duties or, if the case falls within the scope of the Workmen's Compensation Act, 1941 (Act 30 of 1941), as amended, special sick leave with pay equal to the difference between full pay and the compensation payable to him in terms of the said Act in the form of periodical payments: Provided that no special sick leave with pay shall be granted in terms of this regulation, where such accident was caused by a third party, unless such employee or temporary employee either authorises the local authority concerned to lodge a claim in his name against the said third party for damages suffered by him, or undertakes himself to bring a claim against such third party and to compensate the said local authority from any amount that may be recovered for the damages suffered by it as a result of such accident.

- (2) No special sick leave shall be granted in terms of this regulation if the local authority concerned is of the opinion that such accident is attributable to the serious and wilful misconduct of the employee or temporary employee concerned.
- (3) The provisions of regulation 36 (4), (5) and (6) shall apply *mutatis mutandis* to the granting of special sick leave.

SPECIAL LEAVE WITH FULL PAY

38. (1) Special leave with full pay may be granted to an employee or temporary employee if he is absent from duty owing to the fact that—
 - (a) he is writing an examination of a recognised university within the Republic or any other examination which the local authority concerned may indicate;
 - (b) he is in segregation or isolation on medical instructions after being in contact with a person who has contracted, or is suspected of having contracted, an infectious or contagious disease: Provided that the granting of special leave in terms of this paragraph shall be subject to the submission of a certificate issued by a registered medical practitioner indicating the period of and reason for such segregation or isolation;
 - (c) he is arrested or has to appear before a court on a criminal charge, if he is subsequently acquitted or such charge is withdrawn;
 - (d) he is selected by a recognised amateur sports association to—
 - (i) take part, as a member of an organised sports group, in a sports tour outside the Republic, whether as a competitor, coach or manager; or
 - (ii) represent South Africa, and not merely a club or province, as a competitor, coach or manager at an international sporting event within the Republic; or

- (iii) 'n buitelandse nasionale span wat die Republiek besoek, te vergesel as verteenwoordiger van die Suid-Afrikaanse sportliggaam wat die toer reël.
- (2) Spesiale verlof wat ooreenkomstig subregulasie (1) toegestaan word, kan enige tydperk insluit wat werklik en noodsaaklikerwys deurgebring word met reise vir die doel waarvoor sodanige verlof toegestaan word.

VERLOF VIR STUDIEDOELEINDES

39. Verlof vir studiedoeleinde kan aan 'n werknemer of tydelike werknemer toegestaan word op die grondslag en voorwaardes wat die betrokke plaaslike bestuur, onderworpe aan die goedkeuring van die Direkteur, bepaal.

RUSDAE

40. (1) 'n Rusdag, uitgesonderd 'n rusdag wat binne 'n tydperk van goedgekeurde verlof val, word nie geag verlof te wees nie en word nie as sodanig in die verlofstaat aangeteken nie.
- (2) Indien 'n werknemer of tydelike werknemer wat aangesê word om hom op 'n rusdag vir diens aan te meld, in gebreke bly om dit te doen, word sodanige rusdag geag vakansieverlof sonder besoldiging te wees, tensy hy weens omstandighede wat vir die betrokke plaaslike bestuur aanneemlik is, verhinder word om hom vir diens aan te meld.
- (3) Geen salaris of loon word aan 'n werknemer of tydelike werknemer ten opsigte van 'n rusdag betaal nie, tensy hy kragtens sy diensvoorwaardes op besoldiging vir sodanige rusdag geregtig is.

BETALING VAN TOELAES ENS. TYDENS VERLOF

41. Die voortsetting of staking van die betaling aan 'n werknemer of tydelike werknemer van toelaes of ander besoldiging buiten sy salaris is onderworpe aan die regulasies wat daarop van toepassing is en aan opdragte wat die betrokke plaaslike bestuur daaromtrent uitreik.

VERLOF WAT VIR VERLOFDOELEINDES TEL

42. (1) Alle verlof, van watter aard ook al, met volle of gedeeltelike besoldiging, en alle vakansieverlof en siekteverlof sonder besoldiging van altesaam hoogstens 15 dae in 'n maand, tel vir die doel van verlofaanwas: Met dien verstande dat indien in 'n bepaalde maand verlof sonder besoldiging genoemde getal dae oorskry—
- (a) sodanige maand nie vir die doel van regulasie 32 (1) as diens gereken word nie; en
 - (b) die voorsiening ten opsigte van siekteverlof met volle besoldiging en siekteverlof met halwe besoldiging wat kragtens regulasie 31 op die betrokke werknemer of tydelike werknemer van toepassing is, met een ses-en-dertigste verminder word ten opsigte van sodanige maand, welke vermindering afgetrek van die voorsiening vir die siklus waarbinne sodanige maand voorkom, of, indien sodanige voorsiening reeds gebruik is, van die voorsiening vir die volgende siklus.
- (2) Vakansieverlof wat kragtens subregulasie (1) aanwas gedurende 'n tydperk van vakansieverlof sonder besoldiging of siekteverlof sonder besoldiging, word aan 'n werknemer of tydelike werknemer toegestaan eers nadat hy, ná sy afwesigheid met vakansie- of siekteverlof sonder besoldiging, sy dienste hervat het en slegs ten opsigte van tydperke van afwesigheid ná sodanige hervatting van diens.

- (iii) accompany a foreign national team visiting the Republic as a representative of the South African sports association organising the tour.

- (2) Special leave granted in terms of subregulation (1) may include any period actually and necessarily occupied in travelling for the purpose for which such leave is granted.

LEAVE FOR STUDY PURPOSES

39. Leave for study purposes may be granted to an employee or temporary employee on such basis and conditions as the local authority concerned may, subject to approval by the Director, determine.

DAYS OF REST

40. (1) A day of rest other than a day of rest falling within a period of approved leave shall not be deemed to be leave and shall not be recorded as such in the leave register.
- (2) If an employee or temporary employee who is called upon to report for duty on a day of rest fails to do so, such day of rest shall be regarded as vacation leave without pay unless he is prevented from reporting for duty by circumstances which are acceptable to the local authority concerned.
- (3) An employee or temporary employee shall not be paid a salary or wages in respect of a day of rest unless he is entitled to such payment for such day of rest in terms of his conditions of service.

PAYMENT OF ALLOWANCES ETC. DURING LEAVE

41. The continuance or cessation of the payment to an employee or temporary employee of allowances or other remuneration other than salary shall be subject to the regulations applicable thereto and to directions issued in connection therewith by the local authority concerned.

LEAVE THAT COUNTS FOR LEAVE PURPOSES

42. (1) All leave, of whatever nature, with full or part pay, and all vacation leave and sick leave without pay not exceeding 15 days in the aggregate in a month, shall count for the purpose of leave accrual: Provided that if the leave without pay exceeds the said number of days in any month—
- (a) such month shall not be reckoned as service for the purpose of regulation 32 (1); and
 - (b) the provision in respect of sick leave on full pay and sick leave on half pay that applies to the employee or temporary employee concerned in terms of regulation 31 shall be reduced by one thirty-sixth in respect of each such month, which reduction shall be made from the provision of the cycle in which such month occurs or, if such provision has already been used, from the provision of the next cycle.
- (2) Vacation leave accruing during a period of vacation leave without pay or sick leave without pay in terms of subregulation (1), shall be granted to an employee or temporary employee only after he has resumed his duties after his absence on vacation or sick leave without pay and only in respect of absences after such resumption of duty.

- (3) Vakansieverlof sonder besoldiging en siekteverlof sonder besoldiging tel as diens vir die doel van die indeling van 'n werknemer of tydelike werknemer by 'n verlofgroep kragtens regulasie 31.

VERLOF TEL VIR SALARISVERHOOGINGS-DOELEINDES

43. Behalwe waar die betrokke plaaslike bestuur anders gelas, tel alle verlof, van watter aard ook al, hetsy met of sonder besoldiging, vir salarisverhogingsdoeleindes.

VERVAL VAN TOEGESTANE VERLOF BY BEËINDIGING VAN DIENS

44. (1) Sodra 'n werknemer of tydelike werknemer kennis gee van bedanking, verval enige verlof met besoldiging wat op daardie tydperk reeds toegestaan is vir 'n tydperk of tydperke vanaf of ná die datum van sodanige kennisgewing, of, indien sodanige kennisgewing nie gedateer is nie, vanaf of ná die datum van ontvangs daarvan deur die betrokke plaaslike bestuur, en word afwesigheid van diens op of ná genoemde datum geag vakansieverlof sonder besoldiging te wees. Met dien verstande dat hierdie subregulasie—
- (a) van toepassing is slegs op tydperke van afwesigheid gedurende die laaste maand van sodanige werknemer of tydelike werknemer se diens; en
 - (b) nie van toepassing is nie op—
 - (i) siekteverlof;
 - (ii) spesiale verlof wat kragtens regulasie 38 (1) (b) of (c) toegestaan word;
 - (iii) vakansieverlof wat kragtens regulasie 35 (4) toegestaan word; en
 - (iv) 'n werknemer of tydelike werknemer wie se dienskontrak of aanstellingsbrief 'n klousule bevat waarby uitdruklik bepaal word dat sy dienste met wedersydse kennisgewing van 24 uur beëindig kan word, maar wat desnieteenstaande langer as 24 uur kennis van sy bedanking gee.
- (2) Indien 'n werknemer of tydelike werknemer se dienste om enige ander rede eindig as dié in subregulasie (1) genoem, verval alle afwesigheidsverlof wat op daardie tydperk reeds aan hom toegestaan is vir 'n tydperk of tydperke ná die datum van sy diensbeëindiging.

VERVAL VAN SIEKTEVERLOF BY BEËINDIGING VAN DIENS

45. (1) Indien 'n werknemer of tydelike werknemer uit die diens van 'n plaaslike bestuur aftree, bedank of ontslaan word, verval alle siekteverlof wat tot sy krediet is op die dag waarop sy dienste eindig.
- (2) Indien 'n werknemer of tydelike werknemer in subregulasie (1) bedoel, met of sonder onderbreking van diens in 'n permanente of tydelike hoedanigheid heraan gestel word, word sodanige heraanstelling vir alle doeleindes van hierdie regulasie as 'n nuwe aanstelling beskou, tel sy vorige diens nie as diens vir verlofdoeleindes nie, en word siekteverlof wat ingevolge subregulasie (1) verval het, nie weer tot sy krediet geplaas nie.

- (3) Vacation leave without pay and sick leave without pay shall count as service for the purpose of determining an employee's or temporary employee's leave group under regulation 31.

LEAVE TO COUNT FOR THE PURPOSE OF SALARY INCREMENTS

43. Except as otherwise directed by the local authority concerned, all leave, of whatever nature, whether with or without pay, shall count for the purpose of salary increments.

LAPSE OF GRANTED LEAVE ON TERMINATION OF SERVICE

44. (1) Immediately an employee or temporary employee gives notice of resignation any leave with pay which may at the time already have been granted for a period or periods as from or after the date of such notice or, if such notice is undated, as from or after the date of receipt thereof by the local authority concerned shall lapse and any absences from duty on or after the date referred to shall be deemed to be vacation leave without pay: Provided that this subregulation shall—
- (a) apply only to absences during such employee's or temporary employee's last month of service; and
 - (b) not apply to—
 - (i) sick leave;
 - (ii) special leave granted in terms of regulation 38 (1) (b) or (c);
 - (iii) vacation leave granted in terms of regulation 35 (4); and
 - (iv) an employee or temporary employee whose contract of service or letter of appointment contains a clause expressly providing that his services may be terminated by 24 hours' notice on either side but who nevertheless gives more than 24 hours' notice of resignation.
- (2) If an employee's or temporary employee's services terminate for any reason other than that mentioned in subregulation (1), any leave of absence which may at the time already have been granted to him for a period or periods after the date of termination of his service shall lapse.

LAPSE OF SICK LEAVE ON TERMINATION OF SERVICE

45. (1) If an employee or temporary employee retires, resigns or is dismissed from the service of a local authority, any sick leave standing to his credit on the date on which his services terminate shall lapse.
- (2) If an employee or temporary employee referred to in subregulation (1) is reappointed, with or without a break in service, in a permanent or temporary capacity, such reappointment shall be deemed to be a new appointment for all purposes of this regulation, his previous service shall not count as service for leave purposes, and sick leave that has lapsed in terms of subregulation (1) shall not be placed to his credit again.

VERLOFGRATIFIKASIE

46. (1) By finale beëindiging van die diens van 'n werknemer of tydelike werknemer om watter rede ook al, word ten opsigte van vakansieverlof die volgende uitbetalings, bereken teen sy salariskerk ten tyde van sodanige diensbeëindiging, aan hom of, indien sodanige beëindiging die gevolg is van sy dood, aan sy begunstigdes of, as daar nie is nie, aan sy boedel gemaak:

(a) Die waarde van alle vakansieverlof tot sy krediet op die datum van diensbeëindiging tot 'n maksimum van 365 kalenderdae of 250 werkdae, welke beginsel die betrokke plaaslike bestuur ook al aanvaar het.

(b) Die waarde van enige vakansieverlof, bo en behalwe die maksimum getal werkdae in paragraaf (a) bedoel, wat as gevolg van die diensvereistes van die betrokke plaaslike bestuur ingetrek, geweier, afgekeur of uitgestel is en wat die werknemer by diensbeëindiging nog nie kon benut nie.

(2) Indien die diens van 'n werknemer of tydelike werknemer in subregulasie (1) bedoel, beëindig word as gevolg van sy dood, word sy verlofgratifikasie aan sy weduwee of, indien daar meer as een weduwee is, in gelyke dele (hierna weduweesdele genoem) aan sodanige weduwees betaal: Met dien verstande dat indien sodanige werknemer of tydelike werknemer oorleef word deur geregistreerde kinders uit een of meer ontbinde huwelike, welke kinders ten tyde van sy dood ten volle van hom afhanklik was, sodanige kinders uit elke sodanige huwelik gesamentlik geregtig is op 'n weduweesdeel: Met dien verstande voorts dat sodanige weduweesdeel in gelyke dele aan sodanige kinders betaal word: Met dien verstande voorts dat indien sodanige werknemer of tydelike werknemer nie deur 'n weduwee of ten volle afhanklike kind oorleef word nie, sy verlofgratifikasie in sy boedel inbetaal word.

DIENSBONUS

47. 'n Diensbonus word jaarliks aan werknemers en tydelike werknemers betaal op die dag en op die grondslag wat die betrokke plaaslike bestuur, met goedkeuring van die Direkteur, bepaal: Met dien verstande dat sodanige diensbonus nie agt en een derde persent van die salaris of loon van die betrokke werknemer of tydelike werknemer te bowe gaan nie.

DAAGLIKSE TARIWE VAN VERBLYFTOELAE

48. (1) Indien 'n werknemer of tydelike werknemer vir 'n tydperk van 24 uur of langer, met inbegrip van die reistyd, noodsaaklikerwys binne die Republiek in amptelike diens van sy hoofkwartier afwesig is, kan die betrokke plaaslike bestuur, behoudens die bepalinge van regulasie (49) en behalwe waar herberg of 'n verblyftoelae op 'n ander manier deur sodanige plaaslike bestuur verskaf of betaal word of waar sodanige werknemer of tydelike werknemer tydens sodanige afwesigheid by sy huis tuisgaan, aan sodanige werknemer of tydelike werknemer 'n verblyftoelae betaal teen die tarief wat die Direkteur bepaal.

(2) Indien 'n werknemer of tydelike werknemer vir 'n tydperk van minder as 24 uur binne die Republiek in amptelike diens van sy gewone werkplek en sy tuiste afwesig is, kan die betrokke plaaslike

LEAVE GRATUITY

46. (1) On final termination of the services of an employee or temporary employee for whatever reason, the following payments, calculated on his salary notch at the time of such termination of service, shall be made in respect of vacation leave to him or if such termination is the result of his death, to his beneficiaries or, if there are none, to his estate:

(a) The value of all vacation leave to his credit on the date of termination of service, up to a maximum of 365 calendar days or 250 working days, whichever principle has been accepted by the local authority concerned.

(b) The value of any vacation leave, over and above the maximum number of working days referred to in paragraph (a), which was cancelled, refused, declined or postponed owing to the requirements of the local authority and which the employee has been unable to use up to the termination of his service.

(2) If the services of an employee or temporary employee referred to in subregulation (1) are terminated as a result of his death, his leave gratuity shall be paid to his widow or, if there is more than one widow, in equal shares (hereinafter referred to as widow's portions) to such widows: Provided that if such employee or temporary employee is survived by registered children from one or more dissolved marriages, which children at the time of his death were wholly dependent upon him, such children from each such marriage shall be jointly entitled to a widow's portion: Provided further that such widow's portion shall be paid to such children in equal shares: Provided further that if such employee or temporary employee is not survived by a widow or wholly dependent child, his leave gratuity shall be paid into his estate.

SERVICE BONUS

47. A service bonus shall be paid annually to employees and temporary employees on such day and on such basis as the local authority concerned may, with the approval of the Director, determine: Provided that such service bonus shall not exceed eight and one third per cent of the annual salary or wage of the employee or temporary employee concerned.

DAILY RATES OF SUBSISTENCE ALLOWANCE

48. (1) If an employee or temporary employee is necessarily absent from his headquarters for a period of 24 hours or longer including the travelling time on official duty in the Republic, the local authority concerned may, subject to the provisions of regulation 49 and except if accommodation or a subsistence allowance is otherwise provided or paid by such local authority or such employee or temporary employee stays at his home during such absence, pay to such employee or temporary employee a subsistence allowance at such rate as the Director may determine.

(2) If an employee or temporary employee is absent from his normal place of work and his home on official duty in the Republic for a period of less than 24 hours, the local authority concerned may,

bestuur, uitgesonderd waar daar in hierdie regulasies spesiale voorsiening gemaak word en behalwe waar herberg of 'n verblyftoelae op 'n ander manier deur sodanige plaaslike bestuur verskaf of betaal word, aan sodanige werknemer of tydelike werknemer redelike werklike uitgawes terugbetaal wat hy noodsaaklikerwys aan herberg aangegaan het.

ONTOEREIKENDE VERBLYFTOELAE

49. Indien die verblyftoelae wat aan 'n werknemer of tydelike werknemer betaal word, ontoereikend is om die uitgawe te dek wat hy aangaan wanneer hy in diens van 'n plaaslike bestuur van sy normale werkplek afwesig is, kan sodanige plaaslike bestuur aan hom die verskil terugbetaal tussen die bedrag wat ten opsigte van die hele aaneenlopende tydperk van sodanige afwesigheid aan verblyftoelae betaalbaar is en die redelike werklike uitgawes wat hy ten opsigte van sodanige tydperk noodsaaklikerwys aan herberg aangaan: Met dien verstande dat—
- (a) sodanige plaaslike bestuur oortuig is dat die herberg waarvan sodanige werknemer of tydelike werknemer gebruik gemaak het, by sy status as werknemer van sodanige plaaslike bestuur pas;
 - (b) die betrokke eis gestaaf word deur kwitansies of ander bewysstukke of, in gevalle waar sodanige bewyse nie beskikbaar is nie, deur 'n beëdigde verklaring;
 - (c) items wat nie deur die omskrywing van "herberg" gedek word nie, uitgesluit word by die berekening van die bedrag wat terugbetaal kan word;
 - (d) die bedrae wat toegelaat word ten opsigte van die huur van beddegoed op 'n trein, beperk word tot die koste van 'n beddegoedkaartjie wat by kaartjies- en plekbesprekingskantore verkrygbaar is, en dat die koste van luukse beddegoed en 'n spesiale matras nie toelaatbaar is nie.

BETALING VAN VERBLYFTOELAE BY AANSTELLING

50. Geen verblyftoelae word aan 'n persoon by sy eerste aanstelling in die diens van 'n plaaslike bestuur betaal ten opsigte van sy reis na die plek waar hy moet diens aanvaar nie.

VERVOER BY KEURING

51. Aan 'n persoon wat in die Republiek woonagtig is en wat 'n kandidaat is vir aanstelling in 'n pos in diens van 'n plaaslike bestuur, kan sodanige vervoer voorregte as wat sodanige plaaslike bestuur bepaal, toegestaan word om hom in staat te stel om hom vir 'n onderhoud aan te meld.

VERVOER BY AANSTELLING

52. (1) Onderworpe aan die voorwaardes betreffende vervoermiddels en reisklasse wat in hierdie regulasie voorgeskryf word, kan 'n plaaslike bestuur goedkeuring daarvoor verleen dat aan 'n persoon wat in die Republiek van Suid-Afrika of in 'n onafhanklike land waarvan die grondgebied deel van die Republiek van Suid-Afrika was, woonagtig is en wat in die diens van sodanige plaaslike bestuur aangestel word in gevalle waar dit nie moontlik is om geskikte kandidaat plaaslik te werf nie, kostelose vervoer vir homself en sy huishouding toegestaan word vanaf die plek waar hy gewerf is tot by die plek waar hy aangesê word om diens te aanvaar.

save as otherwise provided in these regulations and except if accommodation or a subsistence allowance is otherwise provided or paid by such local authority, reimburse such employee or temporary employee for reasonable actual expenditure necessarily incurred by him for accommodation.

INADEQUATE SUBSISTENCE ALLOWANCE

49. If the subsistence allowance paid to an employee or temporary employee is insufficient to cover the expenditure incurred by him when he is absent from his normal place of duty on the service of a local authority, such local authority may refund to him the difference between the amount payable as a subsistence allowance in respect of the whole continuous period of such absence and the reasonable actual expenditure necessarily incurred by him for accommodation in respect of such period. Provided that—
- (a) such local authority shall be satisfied that the accommodation of which such employee or temporary employee availed himself was commensurate with his status as an employee of such local authority;
 - (b) the relative claim shall be supported by receipts or other vouchers or, where such evidence is not available, by a sworn statement;
 - (c) items not covered by the definition of "accommodation" shall be excluded in calculating the amount that may be refunded;
 - (d) amounts allowed in respect of the hire of bedding on a train shall be limited to the cost of a bedding ticket obtainable at ticket and reservation offices and that the cost of luxury bedding and a special mattress shall not be allowed.

PAYMENT OF SUBSISTENCE ALLOWANCE ON APPOINTMENT

50. No subsistence allowance shall be paid to a person on his first appointment to the service of a local authority in respect of his journey to the place where he is required to assume duty.

TRANSPORT FOR SELECTION

51. A person resident in the Republic who is a candidate for appointment to a post in the service of a local authority may be granted such transport privileges as such local authority may determine to enable him to report for an interview.

TRANSPORT ON APPOINTMENT

52. (1) Subject to the conditions relating to means of transport and classes of travel prescribed in these regulations, a local authority may give approval for a person who is resident in the Republic of South Africa or in an independent country whose territory used to form part of the territory of the Republic of South Africa and who is appointed to the service of such local authority where it is not possible to recruit suitable candidates locally, to be granted free transport for himself and his household from the place where he was recruited to the place at which he has been instructed to assume duty.

- (2) By die toepassing van hierdie regulasie sluit vervoer in vervoer per plaaslikebestuurs- of kontrakvervoermiddels by sowel die plek van werwing as die plek van aanstelling of, indien sodanige vervoer nie beskikbaar is nie, vervoer per huurmotor tussen die onderskeie woonplekke en die op- en afklimpunt van die openbare vervoermiddel waarmee die reis onderneem word.
- (3) Behoudens die bepalings van subregulasie (4) kan die huishouding en persoonlike besittings van 'n persoon in subregulasie (1) bedoel, met die goedkeuring van die betrokke plaaslike bestuur op koste van sodanige plaaslike bestuur op die grondslag wat hy bepaal, vervoer word vanaf die plek waar sodanige persoon gewerf is tot by die plek waar hy aangesê word om diens te aanvaar.
- (4) Indien 'n werknemer of tydelike werknemer wie se huishouding en persoonlike besittings ingevolge die bepalings van subregulasie (3) vervoer is, bedank, of indien sy diens as gevolg van onbevredigende diens beëindig word binne ses maande na die datum van sy diensaanvaarding, betaal hy die koste wat ten opsigte van die vervoer van sy huishouding en persoonlike besittings aangegaan is, aan die betrokke plaaslike bestuur terug.

VERVOER OM AMPTELIKE PLIGTE UIT TE VOER

53. (1) Indien 'n plaaslike bestuur 'n vervoermiddel tot beskikking van 'n werknemer of tydelike werknemer stel vir die uitvoering van sy amptelike pligte, gebruik sodanige werknemer of tydelike werknemer sodanige vervoermiddel ooreenkomstig die opdragte van sodanige plaaslike bestuur en is hy nie geregtig op addisionele vergoeding bo en behalwe sy normale besoldiging nie.
- (2) Geen werknemer of tydelike werknemer bestuur 'n vervoermiddel nie, tensy hy in besit is van die gepaste bestuurderslisensie, welke bestuurderslisensie vir registrasie voorgelê is aan 'n werknemer of tydelike werknemer deur die betrokke plaaslike bestuur aangewys.
- (3) 'n Werknemer of tydelike werknemer in subregulasie (1) bedoel, verstrek, binne die tydperk deur die betrokke plaaslike bestuur bepaal, sodanige besonderhede en opgawes met betrekking tot die gebruik van 'n vervoermiddel by die uitvoering van sy amptelike pligte as wat sodanige plaaslike bestuur vereis.

BESUINIGING EN BEHEER

54. (1) Geen werknemer of tydelike werknemer onderneem 'n reis in die diens van 'n plaaslike bestuur nie, tensy sodanige plaaslike bestuur sodanige reis goedgekeur het.
- (2) 'n Werknemer of tydelike werknemer reis met die mees ekonomiese vervoermiddele, met so min versuim as wat die omstandighede toelaat en, behoudens die bepalings van regulasie 56, met die kortste roete.
- (3) Indien 'n werknemer of tydelike werknemer op 'n wyse gereis het wat groter vervoeruitgawes meegebring het as wat nodig was—
 - (a) beperk die betrokke plaaslike bestuur die bedrag wat aan sodanige werknemer of tydelike werknemer ter vergoeding van sy reiskoste betaal kan word, tot wat sodanige reiskoste sou gewees het indien hy die bepalings

- (2) For purposes of this regulation transport shall include conveyance by transport owned by a local authority or contract transport at both the place of recruitment and the place of appointment or, if such transport is not available, conveyance by taxi between the respective residences and the boarding and alighting points of the public means of transport by which the journey is undertaken.
- (3) Subject to the provisions of subregulation (4), the household and personal effects of a person referred to in subregulation (1) may, with the approval of the local authority concerned, be conveyed at the expense of such local authority on such basis as it may determine from the place where such person was recruited to the place where he has been instructed to assume duty.
- (4) If an employee or temporary employee whose household and personal effects have been conveyed in terms of subregulation (3) resigns or his services are terminated, owing to unsatisfactory service within six months of the date of his assumption of duty, he shall refund the expenditure incurred in respect of the conveyance of his household and personal effects to the local authority concerned.

TRANSPORT FOR THE PERFORMANCE OF OFFICIAL DUTIES

53. (1) If a means of transport is put at the disposal of an employee or temporary employee by a local authority for the performance of his official duties, such employee or temporary employee shall use such means of transport in accordance with the instructions of such local authority and shall not be entitled to any additional remuneration over and above his normal remuneration.
- (2) No employee or temporary employee shall drive a means of transport unless he is in possession of an appropriate driver's licence, which driver's licence has been submitted for registration to an employee or temporary employee designated by the local authority concerned.
- (3) An employee or temporary employee referred to in subregulation (1) shall furnish within such period as the local authority concerned, may determine, such details and returns in respect of the use of a means of transport in the performance of his official duties as may be required by such local authority.

ECONOMY AND CONTROL

54. (1) No employee or temporary employee shall undertake a journey in the service of a local authority unless such journey has been approved by such local authority.
- (2) An employee or temporary employee shall travel by the most economical means, as expeditiously as circumstances permit, and, subject to the provisions of regulation 56, by the shortest route.
- (3) If an employee or temporary employee has travelled in a manner involving greater expenditure on transport than was necessary—
 - (a) the local authority concerned shall limit the amount payable to such employee or temporary employee in reimbursement for his travelling costs to what such costs would have been had he observed the requirements of

van subregulasie (2) nagekom het, en indien sodanige werknemer of tydelike werknemer op koste van sodanige plaaslike bestuur of met vervoer van sodanige plaaslike bestuur gereis het, betaal hy die uitgawes wat onnodig aangegaan is, aan sodanige plaaslike bestuur terug; en

- (b) word elke werkdag waarmee die normale reistyd oorskry is, deur vakansieverlof gedek.

VERVOERUITGAWES

55. (1) Behoudens die bepalings van hierdie regulasies, kan 'n plaaslike bestuur aan 'n werknemer of tydelike werknemer van wie vereis word dat hy in amptelike diens moet reis, die koste terugbetaal wat verbonde is aan die vervoer van hom en sy noodsaaklike persoonlike bagasie, asook redelike uitgawes wat hy in verband met huurmotors (indien vervoer van sodanige plaaslike bestuur nie beskikbaar is nie), kruiersloon en ander bykomende dienste aangaan.
- (2) Aan 'n werknemer of tydelike werknemer wie se dienste eindig op sodanige gronde as wat die Direkteur bepaal, en wat minstens 10 jaar aaneenlopende diens voltooi het of by bereiking van die ouderdom van 60 jaar sou voltooi het, kan 'n plaaslike bestuur, behoudens die bepalings van regulasie 56, vervoer ten opsigte van sy persoonlike besittings (of dié van sy huishouding, indien hy te sterwe kom), op koste van sodanige plaaslike bestuur toestaan vanaf sy woonplek na 'n plek in die Republiek of 'n gebied waar hy of sy huishouding begerig is om te woon, onderworpe aan sodanige beperkings en voorwaardes as wat die Direkteur goedkeur.

VERVOERMIDDELS WAT GEBRUIK MOET WORD

56. (1) 'n Werknemer of tydelike werknemer wat in amptelike diens moet reis, reis met die goedkoopste beskikbare openbare vervoermiddel.
- (2) Indien 'n werknemer of tydelike werknemer in amptelike diens moet reis en 'n openbare vervoermiddel nie beskikbaar is nie of die gebruik daarvan ondoenlik is, maak hy gebruik van die vervoer wat die betrokke plaaslike bestuur bepaal.
- (3) In 'n buitengewone geval kan 'n plaaslike bestuur 'n werknemer of tydelike werknemer magtig om 'n reis in amptelike diens met sy private motorvoertuig af te lê indien sodanige plaaslike bestuur oortuig is dat sy belange daardeur beter gedien sal word, ongeag of dit moontlik is om die reis met vervoer van sodanige plaaslike bestuur af te lê: Met dien verstande dat indien 'n werknemer of tydelike werknemer sy private motorvoertuig gebruik om in amptelike diens te reis, hy met sodanige motorvoertuig op sy eie risiko reis vir sover hierdie bepaling nie strydig is met die bepalings van die Ongevallewet, 1941 (Wet 30 van 1941), soos gewysig, of enige ander wetsbepalings nie.

TOELAES VIR DIE GEBRUIK VAN PRIVATE MOTORVOERTUIG

57. Aan 'n werknemer of tydelike werknemer wat kragtens die bepalings van regulasie 56 (3) sy private motorvoertuig gebruik om in amptelike diens te reis, betaal die betrokke plaaslike bestuur 'n toelaes ooreenkomstig die tarief waarvolgens die Staat staatsamptenare in dieselfde omstandighede vergoed.

subregulation (2) and if such employee or temporary employee has so travelled at the expense of such local authority or by means of transport owned by such local authority he shall refund the expenditure unnecessarily incurred to such local authority; and

- (b) each working day by which the normal travelling time has been exceeded shall be covered by.

TRANSPORT EXPENSES

55. (1) Subject to the provisions of these regulations, a local authority may reimburse an employee or temporary employee who is required to travel on official duty for the cost of conveying himself and his necessary personal luggage, as well as for reasonable expenditure incurred by him in connection with taxi hire (if transport owned by such local authority is not available), portage and other incidental services.
- (2) To an employee or temporary employee whose services terminate on such grounds as the Director may determine and who has completed or would on attainment of the age of 60 years have completed not less than 10 years continuous service, a local authority may, subject to the provisions of regulation 56, grant conveyance, at such local authority's expense, for his personal effects (or those of his household in the event of his death) from his place of residence to a place in the Republic or a territory where he or his household wishes to reside, subject to such limitations and conditions as the Director may approve.

MEANS OF TRANSPORT TO BE USED

56. (1) An employee or temporary employee who is required to travel on official duty shall travel by the cheapest public transport available.
- (2) If an employee or temporary employee is required to travel on official duty and public transport is not available or its use is impracticable he shall use such means of transport as the local authority concerned may determine.
- (3) In an exceptional case a local authority may authorise an employee or temporary employee to perform an official journey by means of his privately owned motor transport if such local authority is satisfied that its interests will be better served thereby, whether or not it is possible to perform such journey by means of transport owned by such local authority: Provided that if an employee or temporary employee uses his privately owned motor transport on official duty, he shall travel by such motor transport at his own risk in so far as this stipulation is not contrary to the provisions of the Workmen's Compensation Act, 1941 (Act 30 of 1941), as amended, or any other law.

ALLOWANCES FOR THE USE OF PRIVATELY OWNED MOTOR TRANSPORT

57. A local authority shall pay to an employee or temporary employee who uses his privately owned motor transport to travel on official duty in terms of regulation 56 (3) an allowance in accordance with the rate paid by the State to public servants under similar conditions.

KLAS WAARIN PER TREIN GEREIS WORD

58. 'n Werknemer of tydelike werknemer wat in amptelike diens per trein reis, reis in die klas wat die betrokke plaaslike bestuur bepaal.

UNIFORMS EN BESKERMENDE OORKLERE

59. (1) Indien 'n plaaslike bestuur dit nodig ag dat 'n werknemer of tydelike werknemer by die uitvoering van sy amptelike pligte in 'n uniform gekleed moet gaan, dat hy kentekens by sodanige uniform moet dra of dat daar aan hom beskermende oorklere verskaf moet word, verskaf sodanige plaaslike bestuur sodanige uniform, kentekens of beskermende oorklere aan hom ooreenkomstig 'n kwota, en onderworpe aan die voorwaardes, wat sodanige plaaslike bestuur bepaal.
- (2) Uniforms, kentekens of beskermende oorklere wat 'n plaaslike bestuur aan 'n werknemer of tydelike werknemer verskaf, bly die eiendom van sodanige plaaslike bestuur en word—
- (a) te alle tye deur sodanige werknemer of tydelike werknemer in 'n goeie, netjiese en bevredigende toestand gehou;
- (b) deur sodanige plaaslike bestuur vervang: Met dien verstande dat sodanige uniforms, kentekens of beskermende oorklere op koste van sodanige werknemer of tydelike werknemer vervang word indien dit deur sy nalatigheid gesteel word, verlore raak of beskadig word;
- (c) by diensbeëindiging aan sodanige plaaslike bestuur terugbesorg.
- (3) Indien by die uitvoering van amptelike pligte 'n uniform, 'n kenteken of beskermende oorklere weens omstandighede buite die beheer van die betrokke werknemer of tydelike werknemer onherstelbaar beskadig word, word dit op koste van die betrokke plaaslike bestuur vervang.
- (4) 'n Werknemer of tydelike werknemer aan wie uniforms, kentekens of beskermende oorklere uitgereik is, moet te alle tye wanneer hy in amptelike diens is, gekleed wees in sodanige uniform, wat netjies, skoon en volledig moet wees tesame met behoorlike vertoonde kentekens, waar toepaslik, of in sodanige beskermende oorklere.
- (5) 'n Plaaslike bestuur kan in buitengewone omstandighede magtiging verleen vir die skoonmaak en herstel van uniforms en beskermende oorklere op sy koste.
- (6) Die besonderhede van alle uniforms, kentekens en beskermende oorklere wat 'n plaaslike bestuur uitreik, word aangeteken in 'n register wat hy hou.

REGISTRASIE VAN VROUENS EN KINDERS

60. (1) Elke werknemer of tydelike werknemer verwittig die betrokke plaaslike bestuur skriftelik van—
- (a) die volle name van elke vrou, hetsy sodanige werknemer of tydelike werknemer met sodanige vrou volgens siviele reg of gebruklike verbintenis getroud is, welke verwittiging vergesel gaan van die betrokke huweliksertifikaat of sertifikaat van registrasie van die gebruklike verbintenis of, in die geval van 'n gebruklike verbintenis wat nie geregistreer is nie, van beëdigde verklarings afgeleë deur beide partye tot sodanige verbintenis ten effekte dat 'n gebruklike verbintenis aangegaan is;

CLASS OF TRAVEL BY TRAIN

58. An employee or temporary employee who is required to travel on official duty by train shall travel in such class as the local authority concerned may determine.

UNIFORMS AND PROTECTIVE CLOTHING

59. (1) If a local authority considers it necessary that an employee or temporary employee in the performance of his official duties should be clothed in a uniform, that he should wear badges with such uniform or that protective clothing should be provided, such uniforms, badges or protective clothing shall be provided by such local authority in accordance with such quota and subject to such conditions as such local authority may determine.
- (2) Uniforms, badges or protective clothing supplied to an employee or temporary employee shall remain the property of the local authority concerned and shall—
- (a) at all times be kept in a good, neat and satisfactory condition by such employee or temporary employee;
- (b) be replaced by such local authority: Provided that such uniforms, badges or protective clothing shall be replaced at the expense of such employee or temporary employee if stolen, lost or damaged through his negligence;
- (c) be returned to such local authority on termination of service.
- (3) If a uniform, badge or item of protective clothing is damaged irreparably in the performance of official duties owing to circumstances beyond the control of the employee or temporary employee concerned, it shall be replaced at the expense of the local authority concerned.
- (4) An employee or temporary employee to whom uniforms, badges or items of protective clothing have been issued shall at all times when on official duty be clothed in such uniform, which shall be neat, clean and complete, with badges properly displayed, if appropriate or in such protective clothing.
- (5) A local authority may in exceptional circumstances authorise the cleaning and repair of uniforms and protective clothing at its expense.
- (6) Details of all uniforms, badges and protective clothing issued by a local authority shall be noted in a register kept by it.

REGISTRATION OF WIVES AND CHILDREN

60. (1) Every employee or temporary employee shall notify the local authority concerned in writing of—
- (a) the full names of each wife, whether such employee or temporary employee is married to such wife under civil law or by customary union, which notification shall be accompanied by the marriage certificate or a certificate of registration of the customary union, or in the case of a customary union that is not registered, an affidavit by both parties to such union to the effect that a customary union has been concluded;

- (b) die volle naam, geboortedatum en geslag van elke kind, met inbegrip van 'n wettig aangenome kind, van sodanige werknemer of tydelike werknemer, en van die naam van die moeder van sodanige kind.
- (2) 'n Plaaslike bestuur laat die inligting wat ingevolge subregulasie (1) verstrekk is, in 'n register aanteken, en slegs 'n persoon wat aldus geregistreer is, word by die toepassing van hierdie regulasies erken as 'n vrou of kind van die betrokke werknemer of tydelike werknemer.
- (3) 'n Werknemer of tydelike werknemer verwittig die betrokke plaaslike bestuur telkens skriftelik van—
 - (a) die ontbinding van 'n gebruikelike verbintenis met 'n geregistreerde vrou;
 - (b) die ontbinding deur egskeiding van 'n siviele huwelik met 'n geregistreerde vrou;
 - (c) die dood van 'n geregistreerde vrou of kind; en elke sodanige verwittiging gaan vergesels van 'n beëdigde verklaring deur sodanige werknemer of tydelike werknemer afgelê ten effekte dat sodanige gebruikelike verbintenis ontbind is, of van die egskeidingsbevel of van die doodsertifikaat, na gelang van die geval.
- (4) 'n Plaaslike bestuur laat die inligting wat ingevolge subregulasie (3) verstrekk is, in die register in subregulasie (2) bedoel, aanteken, en kanselleer die registrasie van die betrokke vrou of kind.

ALGEMENE BEPALINGS BETREFFENDE GEDRAG VAN WERKNEMERS EN TYDELIKE WERKNEMERS

61. (1) 'n Werknemer of tydelike werknemer moet—

- (a) by die uitvoering van sy pligte die hoogste etiese en sedelike standarde handhaaf en sodanige pligte op 'n bekwame, getroue, hoflike, hulpvaardige en onpartydige wyse vervul, ongeag persoonlike beskouings, en moet toesien dat alle persone met wie en alle eise en transaksies waarmee hy in sy hoedanigheid van werknemer van 'n plaaslike bestuur te doen kry, billik en regverdig behandel word;
- (b) met ander werknemers of tydelike werknemers ten volle saamwerk in die openbare belang en in die belang van die betrokke plaaslike bestuur in sy geheel;
- (c) stiptelik eerlik wees by die hantering van fondse van die betrokke plaaslike bestuur en in verband met die bewaring van die eienendom van sodanige plaaslike bestuur;
- (d) te alle tye poog, deur sy houding en onberispelike gedrag, om die goeie naam van die betrokke plaaslike bestuur te handhaaf;
- (e) wanneer hy met 'n lid van die publiek te doen het, alle persoonlike of telefoniese onderhoude voer en alle korrespondensie beantwoord in die amptelike taal wat sodanige persoon besig, verkies of die beste verstaan, en seker maak dat hy die juiste inligting verstrekk;
- (f) indien dit nodig word, tydelik behulpzaam wees op enige plek en in enige hoedanigheid wat strook met sy normale status en beroep.

- (b) the full name, date of birth and sex of every child, including a legally adopted child, of such employee or temporary employee and of the name of the mother of such child.
- (2) A local authority shall cause the information furnished in accordance with subregulation (1) to be noted in a register and only a person so registered shall be acknowledged, for purposes of these regulations, as a wife or child of the employee or temporary employee concerned.
- (3) An employee or temporary employee shall in each instance inform the local authority concerned in writing of—
 - (a) the dissolution of a customary union with a registered wife;
 - (b) the dissolution by divorce of a civil marriage with a registered wife;
 - (c) the death of a registered wife or child; and each such notification shall be accompanied by an affidavit by such employee or temporary employee to the effect that such customary union has been dissolved, by a divorce order or by a death certificate, as the case may be.
- (4) A local authority shall cause the information furnished in accordance with subregulation (3) to be noted in the register referred to in subregulation (2) and shall cancel the registration of the wife or child concerned.

GENERAL PROVISIONS RELATING TO CONDUCT OF EMPLOYEES AND TEMPORARY EMPLOYEES

61. (1) An employee or temporary employee shall—

- (a) maintain the highest ethical and moral standards in the performance of his duties and shall execute such duties in an efficient, faithful, courteous, helpful and impartial manner, regardless of any personal views, and shall ensure that all persons with whom and all claims and transactions with which he deals in his capacity as an employee of a local authority are treated in a reasonable and fair manner;
- (b) co-operate fully with other employees or temporary employees in the public interest and in the interests of the local authority concerned as a whole;
- (c) be scrupulously honest in handling funds of the local authority concerned and in safeguarding such local authority's property;
- (d) at all times endeavour, by his attitude and irreproachable conduct, to uphold the good name of the local authority concerned;
- (e) when dealing with the public, conduct all personal and telephone interviews and answer all correspondence in the official language which such person uses or prefers and best understands and make sure that he furnishes the correct information;
- (f) if it becomes necessary, be of assistance temporarily in any place and in any capacity that is consistent with his normal status and occupation.

(2) 'n Werknemer of tydelike werknemer mag nie—

- (a) voorafverkreë of vertroulike inligting wat hy uit hoofde van sy posisie bekom het, gebruik om homself of andere te bevoordeel nie, of sodanige vertroulike inligting betreffende 'n plaaslike bestuur se eiendom, administrasie of aangeleenthede, openbaar maak of aan enige persoon bekend maak nie;
- (b) deelneem aan 'n verrigting van 'n plaaslike bestuur waarby hy regstreekse of onregstreekse persoonlike belange het nie;
- (c) eiendom van 'n plaaslike bestuur vir sy eie voordeel of ten bate van andere gebruik of toelaat of veroorsaak dat dit aldus gebruik word nie, of dit laat verwyder nie, behalwe met die doel om dit elders in die diens van sodanige plaaslike bestuur te gebruik of om dit te bewaar of te bêre;
- (d) sonder die voorafverkreë skriftelike toestemming van die betrokke plaaslike bestuur enige werk waarvoor vergoeding ontvang word, verrig of onderneem om dit te verrig of daarby betrokke wees nie, uitgesonderd ten behoeve van sodanige plaaslike bestuur of soos andersins deur hierdie regulasies toegelaat, of enige werk vir persoonlike doeleindes aan 'n werknemer of tydelike werknemer van sodanige plaaslike bestuur opdra nie, of sodanige persoon daarvoor besoldig word al dan nie;
- (e) enige vergoeding van watter aard ook al, uitgesonderd vergoeding deur die betrokke plaaslike bestuur, sonder voorafverkreë skriftelike toestemming van sodanige betrokke plaaslike bestuur ontvang, aanneem of eis uit hoofde daarvan dat hy namens sodanige plaaslike bestuur opgetree het, in watter hoedanigheid ook al, of ten opsigte van dienste wat gedurende werksure gelewer is nie, en 'n aanbod van sodanige vergoeding moet onverwyld aan sodanige plaaslike bestuur gerapporteer word;
- (f) in die openbaar of in private gesprekke 'n lid van 'n plaaslike bestuur of die beleid, werksaamhede of diens van 'n plaaslike bestuur, of die werksaamhede of diens van 'n ander werknemer of tydelike werknemer van 'n plaaslike bestuur kritiseer, veroordeel of verkleineer nie;
- (g) sonder die voorafverkreë skriftelike toestemming van 'n werknemer of tydelike werknemer deur die betrokke plaaslike bestuur daartoe aangewys, enige aangeleentheid betreffende sodanige plaaslike bestuur met 'n lid van sodanige plaaslike bestuur bespreek nie;
- (h) sonder die voorafverkreë skriftelike toestemming van die betrokke plaaslike bestuur buite die gebied waarvoor sodanige plaaslike bestuur ingestel is, woon nie;
- (i) namens homself of namens iemand anders van 'n persoon, firma of ander liggaam wat, sover hy weet, in handels- of ander transaksies met 'n plaaslike bestuur belangstel of vermoedelik belangstel of teenoor wie of waarteenoor hy sy pligte moet vervul, 'n guns of geskenk, met inbegrip van oormatige gasvryheid of onthale, hetsy in die vorm van

(2) An employee or temporary employee shall not—

- (a) use any advance or confidential information that he has acquired by virtue of his position to gain an advantage for himself or others, or publicly disclose or divulge to any person such confidential information in regard to a local authority's property, administration or business;
- (b) take part in any transaction of a local authority in which he has any direct or indirect personal interest;
- (c) use any property of a local authority for his own benefit or the benefit of others or permit or cause it to be so used or have it removed except with the intention of using it elsewhere in the service of such local authority, or of safeguarding or storing it;
- (d) perform or undertake to perform or be involved in any work for which payment is obtained without the prior authority of the local authority concerned having been obtained in writing, except when it is on behalf of such local authority or as otherwise permitted in terms of these regulations, or instruct an employee or temporary employee in such local authority's service to perform any work for personal purposes, whether such person is remunerated therefor or not;
- (e) without prior permission in writing from the local authority concerned, accept, receive or claim any remuneration of whatever nature, except remuneration by such local authority, in consideration of the fact that he has acted on behalf of such local authority in any capacity whatsoever or for services that have been rendered during working hours, and any offer of such remuneration shall be reported immediately to such local authority;
- (f) in public or in private conversation criticise, denounce or belittle a member of a local authority, or the policy, business or service of a local authority, or the business or service of another employee or temporary employee of a local authority;
- (g) without the prior permission in writing of an employee or temporary employee designated therefor by the local authority concerned, discuss any matter concerning such local authority with any member of such local authority;
- (h) without the prior permission in writing of the local authority concerned, reside outside the area for which such local authority has been instituted;
- (i) accept, on his own account or on account of any other person, from a person, firm or other body who or which, as far as he knows, is interested or appears to be interested in trading or other transactions with a local authority or towards whom or which he must perform his duties, any such favour or

'n diens, 'n lening, 'n ding of 'n belofte, aanneem wat hom by die uitvoering van sy pligte waarskynlik sal beïnvloed of waarvan daar redelikerwys verwag kan word dat dit hom aldus sal beïnvloed of wat hom onder die een of ander morele verpligting sou kan plaas nie;

- (j) 'n persoon enigsins bevoordeel wat verwag of hoop om spesiale behandeling te geniet vanweë die feit dat hy 'n belangrike of invloedryke posisie in die gemeenskap beklee nie of sodanige persoon enigsins anders behandel as wat hy 'n gewone lid van die publiek in dergelike omstandighede sou behandel nie.

- (3) (a) Geen werknemer of tydelike werknemer mag regstreeks of onregstreeks by enige besigheid, bedryf, professie of beroep, uitgesonderd in die diens van sy plaaslike bestuur, betrokke wees nie, behalwe met die voorafverkreë toestemming van sodanige plaaslike bestuur.

- (b) Uitgesonderd by die uitvoering van sy amp telike pligte neem geen werknemer of tydelike werknemer aktief deel aan die verkiesing van lede van 'n plaaslike bestuur nie, hetsy deur openbare toesprake of geskrifte of deur lid te wees van 'n komitee wat die bevordering of voorkoming van die verkiesing van 'n besondere kandidaat ten doel het.

- (c) Geen werknemer of tydelike werknemer mag sonder die voorafverkreë toestemming van die betrokke plaaslike bestuur 'n regstreekse of onregstreekse geldelike belang hê by, of regstreeks of onregstreeks betrokke wees by, of deel in die winste of voordele van, enige kontrak met of werk wat gedoen word of gedoen moet word vir sodanige plaaslike bestuur nie: Met dien verstande dat hierdie bepalings—

- (i) nie bloot uit hoofde van die feit dat die gade van sodanige werknemer of tydelike werknemer 'n vennoot, sakevennoot, direkteur, aandeelhouer, effektehouer, werknemer of agent van 'n maatskappy wat by wet as sodanig ingelyf is, van toepassing is op 'n kontrak wat sodanige plaaslike bestuur met sodanige maatskappy aangaan nie, of op werk wat sodanige maatskappy ten behoeve van sodanige plaaslike bestuur nie, indien die voordele of winste wat uit sodanige kontrak of werk verkry word, op die gewone manier vir die doeleindes van sodanige maatskappy aangewend word;

- (ii) nie van toepassing is nie op die aankoop van enigiets wat sodanige plaaslike bestuur per openbare veiling of tender verkoop;

- (iii) nie van toepassing is nie op die aankoop deur sodanige plaaslike bestuur van enigiets op 'n vendusie; en

- (iv) nie van toepassing is nie op die lewering van goedere of dienste wat gewoonlik deur 'n plaaslike bestuur aan die publiek verskaf of gelewer word ooreenkomstig 'n tarief wat by wet of by besluit van sodanige plaaslike bestuur vasgestel word.

present, including excessive hospitality or entertainment, whether in the form of a service, a loan, a thing or a promise, as is likely to influence him in the performance of his duties or as could reasonably be expected so to influence him or as might place him under some moral obligation;

- (j) in any way favour any person who expects or hopes to enjoy special treatment by reason of the fact that he occupies an important and influential position in the community, or treat such person in a manner which is at all different from that in which he would treat an ordinary member of the public in similar circumstances.

- (3) (a) No employee or temporary employee shall be involved directly or indirectly in any business, trade, profession or occupation, except in the service of the local authority concerned, without the prior permission of such local authority.

- (b) Except in the performance of his official duties, no employee or temporary employee shall actively participate in the election of members of a local authority, whether by means of public speeches or writings or by being a member of a committee whose object it is to promote or prevent the election of a particular candidate.

- (c) No employee or temporary employee shall, without the prior permission of the local authority concerned, have a direct or indirect financial interest in, or be directly or indirectly involved in, or share in the profit or benefits of any contract with or work being done or to be done for such local authority: Provided that these provisions—

- (i) shall not, solely by reason of the fact that the spouse of such employee or temporary employee is a partner, business associate, director, shareholder, stockholder, employee or agent of a company incorporated by law, apply to a contract that is entered into by such local authority with, or work done on behalf of such local authority by, such company if the benefits or profits derived from such contract or work are appropriated for the purposes of such company in the ordinary way;

- (ii) shall not apply to the purchase of anything which such local authority sells by public auction or tender;

- (iii) shall not apply to the purchase by such local authority of anything at a public auction; and

- (iv) shall not apply to the supply of goods or the rendering of services that are normally supplied or rendered to the public by a local authority at a rate which has been determined by law or fixed by a resolution of such local authority.

WOONADRESSE EN TELEFOONNOMMERS

62. 'n Werknemer of tydelike werknemer moet die betrokke plaaslike bestuur verwittig van sy woonadres en van sy telefoonnommer tuis, as daar is, en van enige verandering daarvan.

GENEESKUNDIGE ONDERSOEKE EN IMMUNISERING

63. (1) (a) 'n Plaaslike bestuur kan gelas dat 'n werknemer of tydelike werknemer hom onderwerp aan 'n geneeskundige ondersoek om vas te stel of enige besmetting met aansteeklike of oordraagbare siekte plaasgevind het, of dat 'n werknemer of tydelike werknemer en, op sodanige voorwaardes as wat sodanige plaaslike bestuur bepaal, 'n lid van sy huishouding geïmmuniseer word teen 'n aansteeklike of oordraagbare siekte, ten einde—

- (i) 'n epidemie te voorkom; of
- (ii) aan internasionale voorskrifte te voldoen:

Met dien verstande dat 'n werknemer of tydelike werknemer wat vanweë geloofs- of gewetensbesware nie van geneeskundige dienste gebruik maak nie, op aansoek van sodanige ondersoek of immunisering vrygestel kan word.

- (b) Die koste van sodanige ondersoek of immunisering word uit fondse van sodanige plaaslike bestuur betaal.
- (2) (a) 'n Plaaslike bestuur kan te eniger tyd vereis dat 'n werknemer of tydelike werknemer hom onderwerp aan 'n ondersoek deur 'n geregistreerde geneesheer aangewys of 'n geneeskundige raad saamgestel deur sodanige plaaslike bestuur.
- (b) Die koste van sodanige ondersoek word uit fondse van sodanige plaaslike bestuur betaal.
- (c) Die verslag van sodanige geneesheer of geneeskundige raad moet in die vorm wees wat sodanige plaaslike bestuur bepaal.

KLAGTES, GRIEWE EN VERTOË VAN WERKNEMERS OF TYDELIKE WERKNEMERS

64. (1) 'n Werknemer of tydelike werknemer wat 'n klagte, grief of versoek het wat uit sy diens ontstaan, kan dit skriftelik aan sy toesighouer voorlê, wat onverwyld die aard van sodanige klagte, grief of versoek ondersoek, na goeë dunks handel en sodanige werknemer of tydelike werknemer skriftelik van sy beslissing of beoogde optrede in kennis stel: Met dien verstande dat sodanige werknemer of tydelike werknemer, indien hy nie met sodanige beslissing of beoogde optrede tevrede is nie, kan versoek dat die aangeleentheid na die betrokke plaaslike bestuur verwys word.
- (2) 'n Werknemer of tydelike werknemer rig geen vertoë betreffende sy hoedanigheid as werknemer of tydelike werknemer van 'n plaaslike bestuur aan 'n lid van sodanige plaaslike bestuur persoonlik of aan iemand anders as sy toesighouer nie.

WERKNEMERS OF TYDELIKE WERKNEMERS BETROKKE IN SIVIELE GEDINGE OF STRAFGEDINGE

65. Indien 'n werknemer of tydelike werknemer by die uitvoering van sy amptelike pligte betrokke raak in siviele gedinge of strafgedinge wat ontstaan uit die

RESIDENTIAL ADDRESSES AND TELEPHONE NUMBERS

62. An employee or temporary employee shall notify the local authority concerned of his residential address and of his home telephone number, if any, and of any change therein.

MEDICAL EXAMINATIONS AND IMMUNISATION

63. (1) (a) A local authority may direct that an employee or temporary employee submit to a medical examination to determine whether any infection with a contagious or communicable disease has occurred or that an employee or temporary employee and, on such conditions as may be determined by such local authority, a member of his household be immunised against a contagious or communicable disease in order to—

- (i) prevent an epidemic; or
- (ii) comply with international regulations:

Provided that an employee or temporary employee who does not make use of medical services on the grounds of religious or conscientious objections may, on application, be exempted from such examination or immunisation.

- (b) The cost of such examination or immunisation shall be met from funds of such local authority.
- (2) (a) A local authority may at any time require that an employee or temporary employee submit to an examination by a registered medical practitioner designated or a medical board constituted, by such local authority.
- (b) The cost of such examination shall be met from funds of such local authority.
- (c) The report of such medical practitioner or medical board shall be in such form as such local authority may determine.

COMPLAINTS AND GRIEVANCES OF AND REPRESENTATIONS BY EMPLOYEES OR TEMPORARY EMPLOYEES

64. (1) An employee or temporary employee who has a complaint, grievance or request arising from his service may submit it in writing to his supervisor, who shall investigate the nature of such complaint, grievance or request immediately, shall act as he may deem fit and shall inform such employee or temporary employee in writing of his decision or intended action: Provided that such employee or temporary employee if he is not satisfied with such decision or intended action may request that the matter be referred to the local authority concerned.
- (2) No employee or temporary employee shall make any representations concerning his position as an employee or temporary employee of a local authority to any member of such local authority personally or to any person other than his supervisor.

EMPLOYEES OR TEMPORARY EMPLOYEES INVOLVED IN CIVIL OR CRIMINAL PROCEEDINGS

65. If an employee or temporary employee in the performance of his official duties becomes involved in civil or criminal proceedings arising from the fact that

feit dat hy te goeder trou en sonder nalatigheid iets gedoen het of in gebreke gebly het om iets te doen, word hy geag deur die betrokke plaaslike bestuur gevrywaar te wees teen alle eise of aanspreeklikheid wat teen hom kan ontstaan as gevolg van sodanige gedingvoering, en sodanige plaaslike bestuur onderneem sy verweer en betaal sy regskoste daaraan verbonde.

PROSESSTUK WEENS SKULD TEEN 'N WERKNEMER OF TYDELIKE WERKNEMER

66. (1) Die uitreiking van 'n prosesstuk weens skuld of insolvensie teen 'n werknemer of tydelike werknemer word, met verstrekking van volledige besonderhede van die omstandighede wat tot die uitreiking van sodanige prosesstuk gelei het, onmiddellik deur sodanige werknemer of tydelike werknemer by die betrokke plaaslike bestuur aangemeld.
- (2) Indien dit blyk dat 'n werknemer of tydelike werknemer in onredelike mate in die skuld is, dat hy insolvent geraak het of dat hy sy boedel ten behoeve van sy skuldeisers afgestaan het, of indien 'n vonnis weens skuld teen hom in 'n geregshof verkry is, moet hy, as die betrokke plaaslike bestuur dit vereis, aan sodanige plaaslike bestuur 'n uitvoerige en volledige staat van sy skulde voorlê, tesame met 'n verklaring van hoe sodanige skulde aangegaan is en hoe hy voornemens is om sodanige skulde te vereffen.

LIDMAATSKAP VAN PENSIOENFONDS

67. (1) Onderworpe aan die regulasies uitgevaardig ingevolge die Wet op die Pensioenfonds vir Geassosieerde Inrigtings, 1963 (Wet 41 van 1963), en die Wet op die Pensioenfonds vir Tydelike Werknemers, 1979 (Wet 75 van 1979), word—
- (a) 'n werknemer lid van die Pensioenfonds vir Geassosieerde Inrigtings met ingang van die aanvangsdatum van diens;
- (b) 'n tydelike werknemer lid van die Pensioenfonds vir Tydelike Werknemers ná voltooiing van twee jaar aaneenlopende voltijdse diens ná die aanvangsdatum van diens.
- (2) 'n Plaaslike bestuur kan, met die instemming van die bestuur van 'n munisipale pensioenfonds wat daardeur geraak word, verordeninge uitvaardig betreffende die grondslag en voorwaardes waarop iemand wat onmiddellik voor sy oorpasing ingevolge artikel 4 (2) (b) van die Wet 'n bydraer tot 'n munisipale pensioenfonds was, 'n lid van daardie pensioenfonds kan bly.

DELEGASIE VAN BEVOEGDHEDE

68. 'n Plaaslike bestuur kan enige bevoegdheid hom verleen ingevolge die bepalings van regulasies 3 (1), 4 (1), 9 (3), 10, 11 (3) en (6), 13 (4) en (7), 17 (2), 28 (2), 33, 36 (3) en (4), 36 (5) (b) en (c) en (7), 49 (a), 52 (3), 54 (1), 56 (3), 59 (5), 63 (1) en (2) aan 'n werknemer deleger: Met dien verstande dat sodanige werknemer 'n toesighoudende posisie beklee.

REGULASIES MOET VIR PERSONEEL TER INSAE WEES

69. (1) 'n Eksemplaar van hierdie regulasies moet ter insae van 'n werknemer of tydelike werknemer beskikbaar wees op 'n wyse deur die betrokke plaaslike bestuur bepaal.
- (2) Elke werknemer of tydelike werknemer moet hom met die bepalings van hierdie regulasies deeglik vertrou maak.

he has done or failed to do something in good faith and without negligence, he shall be deemed to have been indemnified by the local authority concerned against any claims or liability that may arise against him in consequence of such litigation and such local authority shall undertake his defence and pay his legal costs in regard thereto.

PROCESS OF DEBT AGAINST EMPLOYEE OR TEMPORARY EMPLOYEE

66. (1) The issue of process for debt or insolvency against an employee or temporary employee shall immediately and together with full particulars of the circumstances that led to the issue of such process be reported to the local authority concerned by such employee or temporary employee.
- (2) If it is evident that an employee or temporary employee is in debt to an unreasonable extent, that he has become insolvent or that he has assigned his estate for the benefit of his creditors or if a judgment for debt has been obtained against him in a court of law, he shall, if the local authority concerned so requires, furnish such local authority with a detailed and complete statement of his liabilities, together with an explanation how such liabilities were incurred and how he proposes to liquidate them.

MEMBERSHIP OF PENSION FUND

67. (1) Subject to the regulations promulgated in terms of the Associated Institutions Pension Fund Act, 1963 (Act 41 of 1963), and the Temporary Employees Pension Fund Act, 1979 (Act 75 of 1979)—
- (a) an employee shall become a member of the Associated Institutions Pension Fund with effect from the commencing date of service;
- (b) a temporary employee shall become a member of the Temporary Employees Pension Fund upon completion of two years' continuous full-time service after the commencing date of service.
- (2) A local authority may, with the concurrence of the management of a municipal pension fund which will be affected thereby, make by-laws relating to the bases and conditions on which any person who immediately prior to his transfer in terms of section 4 (2) (b) of the Act was a contributor to a municipal pension fund, may remain a member of such pension fund.

DELEGATION OF POWERS

68. A local authority may delegate any powers conferred upon it in terms of the provisions of regulations 3 (1), 4 (1), 9 (3), 10, 11 (3) and (6), 13 (4) and (7), 17 (2), 28 (2), 33, 36 (3) and (4), 36 (5) (b) and (c) and (7), 49 (a), 52 (3), 54 (1), 56 (3), 59 (5), 63 (1) and (2) to an employee: Provided that such employee shall occupy a supervisory position.

REGULATIONS TO BE AVAILABLE TO STAFF

69. (1) A copy of these regulations shall be made available to an employee or temporary employee for inspection in such manner as the local authority concerned may determine.
- (2) Each employee or temporary employee shall acquaint himself thoroughly with the provisions of these regulations.

BELANGRIK!!

Plasing van tale:

Staatskoerante

1. Hiermee word bekendgemaak dat die omruil van tale in die *Staatskoerant* nie meer kwartaalliks gedoen word nie, maar dat dit jaarliks sal geskied, beginnende vanaf 1 Oktober tot 30 September, elke jaar.
2. Vir die tydperk 1 Oktober 1983 tot 30 September 1984 word Afrikaans EERSTE geplaas.
3. Hierdie reëling word in ooreenstemming gebring met dié van die Parlement waarby koerante met Wette ens. die taalvolgorde deurgaans behou vir die duur van die sitting.
4. Dit word dus van u, as adverteerder, verwag om u kopie met bogenoemde reëling te laat strook om onnodige omskakeling en stylredigering in ooreenstemming te bring.

—oOo—

IMPORTANT!!

Placing of languages:

Government Gazettes

1. Notice is hereby given that the interchange of languages in the *Government Gazette* no longer takes place quarterly, but that it will now be done annually, starting on 1 October until 30 September, every year.
2. For the period 1 October 1983 to 30 September 1984, Afrikaans is to be placed FIRST, changing annually hereafter.
3. This arrangement is to bring the *Government Gazettes* in conformity with Gazettes containing Acts of Parliament etc. where the language sequence remains constant throughout the sitting of Parliament.
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AGROPLANTAE

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