

**PORTFOLIO COMMITTEE :
MANAGEMENT SERVICES**

Chairperson :

Cllr F Africa

Committee Members :

**Cllrs A Komani, C Resandt,
Ald T Nqinata & Cllr T Gwele**

MANAGEMENT SERVICES PORTFOLIO COMMITTEE

3 November 2022

I N D E X

ITEM

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OPENING

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**AGENDA of the
Portfolio Committee : Management Services
3 November 2022
(Also the agenda for the Mayoral Committee Meeting : 16 November 2022)**

**1.
AMENDMENTS AND ADDITIONS TO THE DELEGATION OF POWERS AND
DUTIES: MUNICIPAL MANAGER: HUMAN RESOURCES**

2/5/3

D Arrison

Director : Management Services

08 September 2022

(028) 313 8004

1. Executive Summary

The purpose of the report is to obtain approval for amendments and additions to the Municipal Manager's delegations of powers and duties conferred on him.

2. Service Delivery and Budget Implementation Plan Reference

Directorate: Management Services
Human Resources

3. Compliance with Strategic Priority

Provision of democratic, accountable and ethical governance

4. Delegated Authority

None

5. Legal Requirements

Constitution of the Republic of South Africa, 1996 (Constitution)
Local Government: Municipal Systems Act (No. 32 of 2000) (Systems Act)
Local Government: Municipal Finance Management Act (No. 56 of 2003)

6. Background/Discussion

On 24 February 2009, as amended thereafter, Council adopted the Principles and Conditions of Delegation which are applicable on the municipality's system of delegation.

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Section 59(4) of the Systems Act provides as follows:

“(4) Any delegation or sub-delegation to a staff member of a power conferred on a municipal manager must be approved by the municipal council in accordance with the system of delegation referred to in subsection (1).”

On 25 November 2009, as amended thereafter, Council approved the Municipal Manager’s delegations and/or sub-delegations of powers and duties conferred on him.

Attached as Annexure “A” is a memorandum containing a request for amendments and additions to the Municipal Manager’s delegation to be approved. It is recommended that Council approve the amendments and additions to the Municipal Manager’s delegations.

7. Financial Implications

None

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

None

10. Annexures

Annexure A: Memorandum with regard to the amendment of Delegation of Powers and Duties

RECOMMENDATION TO THE COUNCIL:

that the amendments and additions to the Municipal Manager’s delegations (as per Annexure A to the item) of powers and duties conferred on him, **be approved**.

RESPONSIBLE OFFICIAL :

L BUCCHIANERI

TARGET DATE FOR IMPLEMENTATION :

14 NOVEMBER 2022

**AGENDA of the
Portfolio Committee : Management Services
3 November 2022
(Also the agenda for the Mayoral Committee Meeting : 16 November 2022)**

**1.
AMENDMENTS AND ADDITIONS TO THE DELEGATION OF POWERS AND
DUTIES: MUNICIPAL MANAGER: HUMAN RESOURCES**

2/5/3

D Arrison

Director : Management Services

08 September 2022

(028) 313 8004

**THIS MATTER SERVED BEFORE THE MANAGEMENT SERVICES PORTFOLIO
COMMITTEE ON 3 NOVEMBER 2022, WHICH COMMITTEE RECOMMENDED AS
FOLLOWS:**

RECOMMENDATION TO THE COUNCIL:

that the amendments and additions to the Municipal Manager's delegations (as per Annexure A to the item) of powers and duties conferred on him, **be approved.**

RESPONSIBLE OFFICIAL :

L BUCCHIANERI

TARGET DATE FOR IMPLEMENTATION :

15 DECEMBER 2022



Memorandum

Human Resources

To: Director: Management Services
Ms Desiree Arrison

Date: 23 August 2022

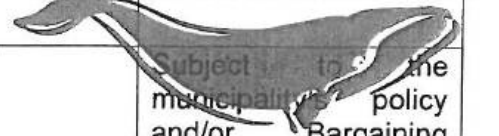
Re: Amendment of Delegation of Powers and Duties:

The above mentioned matter refers.

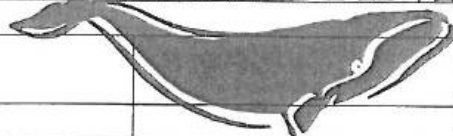
It is advisable to change the Human Resources delegations as follows:

Proposed/ suggested wording of the amended/ replaced delegations:

Item No	Cryptic description of Power or Duty	Lowest level sub-delegated to	Remarks, Limitations or Conditions
[5.1.1.4]	[Approval of relief work. (To deleted)]	Managers after consultation with Directors	Subject to the following: Circumstances: 1. Operational situations that are of short term. 2. Permanent employee, performing tasks for at least one day on a higher post level. 3. With the assistance of specific equipment. Posts that qualify: Compressor work, tractor driver, truck driver, power shovel, power tools, machine handlers, switchboard operators, first level supervisors. Requirements: Relief workers have to meet the legal requirements of a post and should have undergone the necessary safety training.



Item No	Cryptic description of Power or Duty	Lowest level sub-delegated to	Remarks, Limitations or Conditions
5.1.1.18	Approval of personnel to be seconded or to temporarily act in another position (other than that of Municipal Manager) and the payment of an acting or secondment allowance.	Directors	Subject to the municipality's policy and/or Bargaining Council Agreements and that such approval only be applicable when the occupier of a post is on leave or where such a post is vacant due to a resignation or otherwise.
To read:			
5.1.1.18	<u>Approval of personnel to temporarily act in another position for a period no longer or exceeding nine months (other than that of Municipal Manager). All funded vacant posts to be filled within six months of a funded post becoming vacant.</u>	Directors/Managers	Subject to the municipality's policy, Bargaining Council Agreements and/or the <u>Local Government: Municipal Staff Regulation, GN 890 of September 2021</u> and that such approval only be applicable when the occupier of a post is on leave or where such a post is vacant due to a resignation or otherwise.
5.1.1.34.4	[Compilation of shortlists for interviews]	[Managers]	[In co-operation with the shortlisting panel]
To read:			
5.1.1.34.4	<u>Approval of Selection Panel for shortlisting and interviews</u>	Municipal Manager	In line with <u>Local Government: Municipal Staff Regulation, GN 890 of September 2021</u>
5.1.1.34.5	Approval of placements and transfers on organogram	Director: Management Services	
To read:			
5.1.1.34.5	Approval of placements and transfers on organogram	Director: Management Services	In line with <u>Local Government: Municipal Staff Regulation, GN 890 of September 2021</u>
5.1.1.35.2	Appointment of chairperson of departmental hearing.	Directors	
To read:			
5.1.1.35.2	Appointment of chairperson of informal hearing.	Directors	



5.1.1.35.2A	Appointment of prosecutors for departmental hearings.	Directors	
To read:			
5.1.1.35.2A	<u>Appointment of initiators for informal hearings.</u>	Directors	
5.1.1.35.3	Appointment of external prosecutor for disciplinary tribunals.	Director: Management Services	
To read:			
5.1.1.35.3	<u>Appointment of external initiators for disciplinary tribunals.</u>	Director: Management Services	
5.1.1.35.3A	Temporary placement of an employee incapacitated due to injury or illness.	Director: Management Services	
To read:			
5.1.1.35.3A	Temporary placement of an employee incapacitated due to injury or illness.	Director: Management Services	<u>In consultation with placement director</u>
5.1.1.35.3B	Receive outcome of incapacity hearing due to ill health / injury / non-performance requirement with regard to dismissal, transfer or demotion.	Director: Management Services	In consultation with Municipal Manager
To read:			
5.1.1.35.3B	Receive outcome of incapacity hearing due to ill health / injury / non-performance requirement with regard to dismissal, transfer or demotion.	<u>Directors</u>	In consultation with Municipal Manager
5.1.1.35.5A	Appointment of replacement labour in the event of a strike.	Director: Management Services	
To read:			
5.1.1.35.5A	Appointment of replacement labour in the event of a strike.	<u>Directors</u>	
5.1.1.35.10	Consideration and decision to investigate an employee for alleged misconduct.	Directors	
To read:			
5.1.1.35.10	Consideration and decision to investigate an employee for alleged misconduct.	Directors	<u>In terms of the Disciplinary Code Collective Agreement.</u>
5.1.1.35.11	Appointment of investigating officer for alleged misconduct against an employee.	Director: Management Services	

To read:			
5.1.1.35.11	Appointment of investigating officer for alleged misconduct against an employee.	Employee Relations, In Consultation with Workplace OHS & the Director Employee Wellness Management Services	
5.1.1.36.1	Approval of expenditure in terms of training budget	Senior Manager: Human Resources	
To read:			
5.1.1.36.1	<u>Approval of expenditure in terms of training budget in terms of financial delegations</u>	Senior Manager: Human Resources	
5.1.1.38.1	Approval for 50% contribution for first time treatment for intoxicating liquor or drug abuse.	Director: Management Services	
To read:			
5.1.1.38.1	Approval for <u>60%</u> contribution for first time treatment for intoxicating liquor or drug abuse.	Director: Management Services	<u>Substance Abuse Policy</u>
5.1.1.38.2	Approval of further treatment for intoxicating liquor or drug abuse	Director: Management Services	
To read:			
5.1.1.38.2	Approval of further treatment for intoxicating liquor or drug abuse	Director: Management Services	<u>Substance Abuse Policy</u>

New delegations: To be inserted

Item No	Cryptic description of Power or Duty	Lowest level sub-delegated to	Remarks, Limitations or Conditions
5.1.1.5A	Evaluation of staff members performance during the probation period.	Managers/Directors	As per the Local Government: Municipal Staff Regulations, GN890 of 20 September 2021.
5.1.1.11A	No person may be appointed as a staff member on a fixed-term contract, permanent basis, or probation, to any post on the approved staff establishment of a municipality, unless he or she...(b) possesses the relevant competencies, qualifications, and experience.	Directors/ Managers in consultation with Director: Management Services/Municipal Manager	As set out in Annexure A (Competency Framework) of the Local Government: Municipal Staff Regulations, GN 890 of September 2021
5.1.1.34.3A	Filling of funded vacant post(s) on the staff establishment within six months of a funded post becoming vacant	Managers/ Directors	In line with the Local Government: Municipal Staff Regulations, GN 890 of September 2021
5.1.1.35.1B	Appointment of external investigator into disciplinary misconduct	Director: Management Services	In terms of Disciplinary Procedure Collective Agreement.

Kind regards


LUCINDA BUCCHIANERI

SENIOR MANAGER: HUMAN RESOURCES

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Recommendation supported/ not supported / ~~supported with the following amendments:~~

DESIREE ARRISON
DIRECTOR: MANAGEMENT SERVICES
29 AUGUST 2022

Recommendation approved / ~~not approved / approved with the following amendments:~~

DEAN O'NEILL
MUNICIPAL MANAGER
30 AUGUST 2022