

**AGENDA of the
Portfolio Committee :Management Services
22 May 2017
(Also the agenda for the Mayoral Committee Meeting : 31 May 2017)**

**2.
DRAFT PRACTICAL EXPERIENTIAL TRAINING POLICY**

4/2/B

**L Bucchianeri
14 February 2017**

(028) 3138120

Corporate Head Office

1. Executive Summary

The purpose of this report is to recommend to Council to adopt the Draft Practical Experiential Training Policy.

The Draft Practical Experiential Training Policy was developed to accommodate students seeking Practical Experience, in order to complete their studies.

2. Service Delivery and Budget Implementation Plan - IGNITE

Directorate: Management Services
Department: Human Resources

3. Compliance with Strategic Priorities

Provision of democratic, accountable and ethical governance
Provision and maintenance of municipal services
Creation and maintenance of a safe and healthy environment

4. Delegated Authority

None

5. Legal Requirements

Local Government: Municipal Systems Act, 2000 (Act 32 Of 2000) [Systems Act]
Basic Conditions of Employment Act, 1997 (Act 75 of 1997) [BCEA]

6. Background/Discussion

The policy was developed to formalize the process of student intake to gain practical workplace skills and experience.

This is a workplace experience programme designed for students who have already completed an NQF 6 qualification, but requires the necessary practical experience to enable them to obtain a full qualification. It also focuses on the period that is required by certain qualifications for students to obtain formal work

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experience. This period is formally monitored by the institution and assessed on completion.

This will assist students to acquire adequate, appropriate, quality and practical workplace skills and experience that will allow them to enter the labour market and increase their employability.

7. Financial Implications

None

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

The policy was discussed at:

- the local Human Resources Technical Working Group; and
- the Local Labour Forum (LLF)

10. Annexures

Annexure A: Draft Practical Experiential Training Policy
Annexure B: Practical Experiential Training: Undertaking Form
Annexure C: Municipal Code of Conduct

RECOMMENDATION TO THE COUNCIL:

that the draft Practical Experiential Training Policy **be adopted.**

RESPONSIBLE OFFICIAL :

L BUCCHIANERI

TARGET DATE FOR IMPLEMENTATION :

MAY 2017

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**L Bucchianeri
14 February 2017**

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Corporate Head Office

**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON
22 MAY 2017, WHICH COMMITTEE RECOMMENDED AS FOLLOWS:**

RECOMMENDATION TO THE COUNCIL:

that the draft Practical Experiential Training Policy **be adopted.**

RESPONSIBLE OFFICIAL :

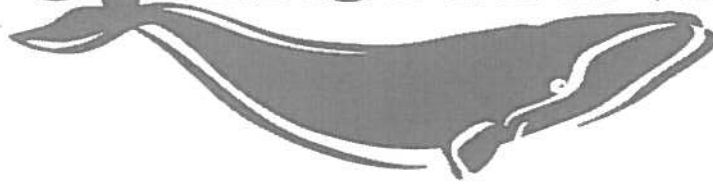
L BUCCHIANERI

TARGET DATE FOR IMPLEMENTATION :

MAY 2017

Munisipaliteit • U-Masipala • Municipality

OVERSTRAND



PRACTICAL EXPERIENTIAL TRAINING POLICY

DRAFT

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1. OBJECTIVES

Overstrand Municipality is tasked with service delivery and also with the provision and maintenance of physical infrastructure to people under its jurisdiction. Critical to the aforementioned objective is the enhancement of human development and capabilities as a consequential imperative to ensure adequate capacity.

Practical Experiential Training is established to address the need for development and to upgrade the standard of verified enrolled internal and external students at a tertiary institution that apply for experiential training and learning.

Preference will be given to verified local enrolled students who provide proof of residence. Overstrand Municipality afford equal opportunity to all prospective applicants.

The final decision lies with the relevant Manager and he/she must use their discretion which students to accommodate and the timeframe applicable to the practical experience.

2. LEGAL FRAMEWORK

The policy and undertaking to train and develop internal and external students is derived from legal requirements and in specific the following Act:

- The Skills Development Act 97 of 1998. – The full act will be implemented.

3. DEFINITION

Practical Experience – period of work that is designed to encourage reflection on the experience and to identify the learning that comes from working.

Manager/Supervisor – a person who directs or oversees the work of a student.

Tertiary Institution – education at an accredited university or college level.

Anticipated outcome – required learning that a learner must achieve

Internal student – a permanent employee of the Municipality

External student – a student studying fulltime at an accredited university or college

Local resident – South African citizen residing within the jurisdiction of this municipality

4. ENTRY POLICY

The student who desires to be part of the programme shall bring his/her resume/ curriculum vitae addressed to Human Resource Department Overstrand Municipality, accompanied by a letter from the institution stating the duration of practical experience and the relevant documents required that must be completed by the Manger and or Supervisor.

Interview will be based on the anticipated outcome by the student. The Manager and or Supervisor will determine during the course of interview if programme to be offered to the student is in line with anticipated outcome.

5. IN JOB TRAINING DUTIES

List of all functions/tasks/activities provided by the institution expected from the student participating in the programme must be listed by the Manager and or Supervisor. These must be read in conjunction with the undertaking and also be made available to the student as a hard copy to ensure that he/she clearly understands the programme and what is expected of him/her.

The student will be expected to perform routine functions of the respective component department which are aligned to the anticipated outcome under the supervision of Manager or Supervisor where the student is based. The municipality will take full responsibility of the supervision of the student.

6. EVALUATION

Evaluation will be conducted in area applicable to that particular component. The planned schedule and learning outcome list has to be used as a guideline for expected outcome.

7. CODE OF CONDUCT

It will be compulsory for the student to undergo Induction. The participant in this programme will be required to:

- Loyally execute lawful policies of the municipality, with which policies the student will familiarise himself/herself. The policies may, upon request, be obtained from the student's supervisor, in the alternative, be directed as to where said policies may be obtained;
- Perform the function of office in good faith, diligently, honestly and in a transparency manner;
- Act in a way that the spirits, purpose of Section 50 of the Local Government: Municipal Systems Act are promoted;
- Act in the best interest of municipality and in such way that the credibility and integrity of municipality are not compromised and;
- Act impartially and treat all people, including other staff members equally without favour or prejudice; and

- Promote and endeavour to implement the basic values and principles of public administration as described in Section 195 (1) of the Constitution.

The student must also adhere to the Code of Conduct provided by the Tertiary Institution.

8. COMPENSATION

The municipality has no obligation position to fulfil all requirements that come with a normal practical training, especially in the private sector and in the well-resourced public sectors but the municipality will focus more on the practical experience which will be more beneficial to the student.

9. ACCESS

Access to all relevant facilities and equipment to the job will be determined by the relevant manager/supervisor.

10. CONCLUSION

Attached find a copy of the practical training undertaking form, as well as the municipal code of conduct.

11. COMMENCEMENT OF THIS POLICY

This policy will come into effect on the date of adoption by Council.

12. DISPUTE RESOLUTION

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

13. COMPLIANCE AND ENFORCEMENT

Any matters regarding discipline to be dealt with by the applicable Tertiary Institution.

ADOPTION AND APPROVAL OF POLICY BY MUNICIPALITY

Policy Section	Human Resources
Current update	
Previous review	N/A
Approval by Council	

Practical Experiential Training: Undertaking Form

I _____
(Name & Surname)
Of

Residential _____

Postal Address _____

Town _____ Code _____

Cell No _____

Tel No _____

Hereby undertake to:

Perform all the functions/duties/tasks as outlined in the schedule of duties commencing on the

to _____

I agree to perform these functions diligently and to the best of my abilities under the mentorship of,

(Manager/Supervisor)

until the in-service training period has ceased to exist.

I understand that I will not be compensated at all during the in-service programme.

I acknowledge that I will have no claim whatsoever to continued engagement with the municipality, nor shall I demand any preferential rights to employment arising within the Municipality.

I acknowledge and fully understand the terms and conditions as stipulated in the policy.

Student Signature _____ at _____ this

day _____ of _____ 20__

1. Witness _____

2. Witness _____

On behalf of the employer:

Signed: Manager/Supervisor _____ at _____

this day _____ of _____ 20__

1. Witness _____

2. Witness _____

Whereas the student has agreed to serve the Municipality as an intern for a period of _____ months on the terms and subject to the conditions set out hereunder.

1. Commencement and duration

This agreement will commence on _____ and continue until _____ whereupon it will automatically terminate. The expiry of this agreement will not constitute a dismissal and the student further agrees that nothing in this agreement will be construed as creating any legitimate expectation of further service after the termination of this agreement.

2. Limitation

Each directorate will annually take in a maximum of two (2) students, unless the requirements of a department deems otherwise.

3. Premature termination

Notwithstanding the provisions of clause 1 above, the Municipality will be entitled to terminate this agreement prior to the expiry date mentioned in clause 1 above for any reason recognizable in law, including but not limited to instances where the intern or student misconduct him or herself, and does not perform in accordance with the standards set by the Municipality, alternatively for reasons based on operational requirements.

4. Transport

It will be the students responsibility to arrange transport to and from the workplace and also bear any cost in this regard.

5. Supervision

During the currency of the agreement the student will work under the direction of qualified and suitably experienced technical staff employed by the Municipality.

The student will also be supervised during the duration of this agreement and will be required to submit monthly progress reports to his direct supervisor.

6. Working hours

The students normal hours of work will be _____.

7. Confidentiality

During the period of this agreement and after its termination, the student agrees and undertakes that he or she will not use to the detriment or prejudice of the Municipality, except in the course of his or her duties, divulge to any person, any confidential information concerning the business or affairs of the Municipality which will form part of the course and scope of his employment.

8. Reporting

The student will be required to submit monthly reports in the format as required by the learning institution for qualification as experiential training. The student will be obligated to liaise with and communicate any difficulties encountered with regard to any aspect of his or her service with the municipality under this agreement to his direct supervisor in order to ensure that effective assistance is rendered as and when required.

9. Value code

Whilst in the service of the Municipality under this agreement the student will comply with the values set by section 195 of the Constitution, including the health and safety procedures and policies in force at the Municipality.

10. Domicilium

The parties choose the respective addresses set forth hereunder as their respective domicilium citandi et executandi ("domicilium") for purposes arising from this agreement and as the respective addresses for the service of any notice required to be served upon them.

Schedule 2**CODE OF CONDUCT FOR MUNICIPAL STAFF MEMBERS**

[Sch. 2 amended by s. 29 of Act No. 44 of 2003 and by ss. 22 and 23 of Act No. 19 of 2008.]

Wording of Sections

1. Definitions.—In this Schedule “partner” means a person who permanently lives with another person in a manner as if married.

2. General conduct.—A staff member of a municipality must at all times—

- (a) loyally execute the lawful policies of the municipal council;
- (b) perform the functions of office in good faith, diligently, honestly and in a transparent manner;
- (c) act in such a way that the spirit, purport and objects of section 50 are promoted;
- (d) act in the best interest of the municipality and in such a way that the credibility and integrity of the municipality are not compromised; and
- (e) act impartially and treat all people, including other staff members, equally without favour or prejudice.

3. Commitment to serving the public interest.—A staff member of a municipality is a public servant in a developmental local system, and must accordingly—

- (a) implement the provisions of section 50 (2);
- (b) foster a culture of commitment to serving the public and a collective sense of responsibility for performance in terms of standards and targets;
- (c) promote and seek to implement the basic values and principles of public administration described in section 195 (1) of the Constitution;
- (d) obtain copies of or information about the municipality’s integrated development plan, and as far as possible within the ambit of the staff member’s job description, seek to implement the objectives set out in the integrated development plan, and achieve the performance targets set for each performance indicator;
- (e) participate in the overall performance management system for the municipality, as well as the staff member’s individual performance appraisal and reward system, if such exists, in order to maximise the ability of the municipality as a whole to achieve its objectives and improve the quality of life of its residents.

4. Personal gain.—(1) A staff member of a municipality may not—

- (a) use the position or privileges of a staff member, or confidential information obtained as a staff member, for private gain or to improperly benefit another person; or
- (b) take a decision on behalf of the municipality concerning a matter in which that staff member, or that staff member’s spouse, partner or business associate, has a direct or indirect personal or private business interest.

(2) Except with the prior consent of the council of a municipality a staff member of the municipality may not—

(a)

[Para. (a) deleted by s. 22 (a) of Act No. 19 of 2008.]

Wording of Sections

(b)

[Para. (b) deleted by s. 22 (a) of Act No. 19 of 2008.]

Wording of Sections

(c) be engaged in any business, trade or profession other than the work of the municipality.

(3) No staff member of a municipality may be a party to or beneficiary under a contract for the provision of goods or services to any municipality or any municipal entity established by a municipality.

[Sub-item (3) added by s. 22 (b) of Act No. 19 of 2008.]

5. Disclosure of benefits.—(1) A staff member of a municipality who, or whose spouse, partner, business associate or close family member, acquired or stands to acquire any direct benefit from a contract concluded with the municipality, must disclose in writing full particulars of the benefit to the council.

(2) This item does not apply to a benefit which a staff member, or a spouse, partner, business associate or close family member, has or acquires in common with all other residents of the municipality.

5A. Declaration of interests.—(1) A person appointed in terms of section 56 or a municipal manager must within 60 days after his or her appointment declare in writing to the chairperson of the municipal council the following interests held by that person or municipal manager:

- (a) Shares and securities in any company;
- (b) membership of any close corporation;
- (c) interest in any trust;
- (d) directorships;
- (e) partnerships;
- (f) other financial interests in any business undertaking;
- (g) interest in property; and
- (h) subsidies, grants and sponsorships by any organisation.

(2) Any change in the nature or detail of the financial interests of a staff member must be declared in writing quarterly to the chairperson of the municipal council.

(3) The municipal council must determine which of the financial interests referred to in subitem (1) must be made public having regard to the need for confidentiality and the public interest for disclosure.

[Item 5A inserted by s. 23 of Act No. 19 of 2008.]

6. Unauthorised disclosure of information.—(1) A staff member of a municipality may not without permission disclose any privileged or confidential information obtained as a staff member of the municipality to an unauthorised person.

(2) For the purpose of this item "privileged or confidential information" includes any information—

- (a) determined by the municipal council or any structure or functionary of the municipality to be privileged or confidential;
- (b) discussed in closed session by the council or a committee of the council;
- (c) disclosure of which would violate a person's right to privacy; or
- (d) declared to be privileged, confidential or secret in terms of any law.

(3) This item does not derogate from a person's right of access to information in terms of national legislation.

7. Undue influence.—A staff member of a municipality may not—

- (a) unduly influence or attempt to influence the council of the municipality, or a structure or functionary of the council, or a councillor, with a view to obtaining any appointment, promotion, privilege, advantage or benefit, or for a family member, friend or associate;
- (b) mislead or attempt to mislead the council, or a structure or functionary of the council, in its consideration of any matter; or
- (c) be involved in a business venture with a councillor without the prior written consent of the council of the municipality.

8. Rewards, gifts and favours.—(1) A staff member of a municipality may not request, solicit or accept any reward, gift or favour for —

- (a) persuading the council of the municipality, or any structure or functionary of the council, with regard to the exercise of any power or the performance of any duty;
- (b) making a representation to the council, or any structure or functionary of the council;
- (c) disclosing any privileged or confidential information; or
- (d) doing or not doing anything within that staff member's powers or duties.

(2) A staff member must without delay report to a superior official or to the speaker of the council any offer which, if accepted by the staff member, would constitute a breach of subitem (1).

9. Council property.—A staff member of a municipality may not use, take, acquire, or benefit from any property or asset owned, controlled or managed by the municipality to which that staff member has no right.

10. Payment of arrears.—A staff member of a municipality may not be in arrears to the municipality for rates and service charges for a period longer than 3 months, and a municipality may deduct any outstanding amounts from a staff member's salary after this period.

11. Participation in elections.—A staff member of a municipality may not participate in an election of the council of the municipality, other than in an official capacity or pursuant to any constitutional right.

12. Sexual harassment.—A staff member of a municipality may not embark on any action amounting to sexual harassment.

13. Reporting duty of staff members.—Whenever a staff member of a municipality has reasonable grounds

for believing that there has been a breach of this Code, the staff member must without delay report the matter to a superior officer or to the speaker of the council.

14. Breaches of Code.—Breaches of this Code must be dealt with in terms of the disciplinary procedures of the municipality envisaged in section 67 (1) (h) of this Act.

14A. Disciplinary steps.—(1) A breach of this Code is a ground for dismissal or other disciplinary steps against a staff member who has been found guilty of such a breach.

(2) Such other disciplinary steps may include—

- (a) suspension without pay for no longer than three months;
- (b) demotion;
- (c) transfer to another post;
- (d) reduction in salary, allowances or other benefits; or
- (e) an appropriate fine.

[Item 14A inserted by s. 29 of Act No. 44 of 2003.]