

OVERSTRAND MUNICIPALITY

POLICY ON WORK OUTSIDE THE MUNICIPALITY'S SERVICE

INTRODUCTION

The Code of Conduct for Municipal Staff Members, Sub-item 4(2)(c) of Schedule 2 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), provides as follows:

“4(2) Except with the prior consent of the council of a municipality a staff member of the municipality may not—
(a) ...
(b) ...
(c) be engaged in any business, trade or profession other than the work of the municipality.”

It is the Municipality's sole prerogative to determine conditions on which special permission will be granted for purposes of the above. This implies that it is not a matter-of-course approval but that it must be specially granted.

Furthermore employees shall be responsible for the proper and efficient discharge of the work assigned to them by the Municipality. This implies that the Municipality as employer may legitimately expect the employee to be in a mental and physical condition to properly perform the duties he/she should be doing.

POLICY

1. Applications to perform paid work shall be submitted by employees in writing to the Municipal Manager and shall contain adequate information to enable the Municipal Manager to properly evaluate such applications including particulars in regard to:
 - the nature of the work to be performed;
 - the place(s) where the employee will work and, where applicable, the name of the company where the employee intends to work and the details of the contact person;
 - the name of the official's own business, if applicable;
 - the hours of work and the estimated number of hours per month to be worked;
 - any hazardous or stressful circumstances that may negatively impact on the employees' health;
 - whether the work will result in the Municipality's time, facilities and infrastructure being used;
 - whether any conflict of interest is possible;
 - the possibility of the employee having to evaluate his/her own work.
2. Based on the information submitted, the Municipal Manager shall consider the application and either refuse it whilst furnishing reasons for its refusal or

approve such applications on conditions as the Municipal Manager may consider reasonable under the circumstances.

3. A perceived unfair decision by the Municipal Manager may be challenged by way of the grievance procedure negotiated in the Bargaining Council established for municipalities.
4. Any false or materially significant withheld information will lead to the Municipal Manager's approval being withdrawn and, should circumstances so dictate, also to disciplinary action being instituted against the employee.
5. In the event of the employee being injured, or becoming incapacitated or ill, as a result of work outside the Municipality's service the employee shall not be entitled to the normal benefits (including sick leave) of the Municipality.
6. Paid work may not be directly related to the work done for or on behalf of the Municipality by other parties to ensure the employee does not enter into unfair competition with such interested parties.
7. Should the Municipal Manager at any time determine that the private work interferes with the employee's activities for and on behalf of the Municipality, the Municipal Manager may withdraw its permission.
8. The employee shall quarterly submit a report to the Municipal Manager to ensure compliance with the determined conditions, which report must *inter alia* contain information regarding hours worked, income received and potential areas of conflicting interests avoided.

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