

CHIREDZI RURAL DISTRICT COUNCIL RESOURCES POLICY



Definition of terms

This document shall be cited as Chiredzi Rural District Council Human Resources Policy

1. PREAMBLE

Chiredzi Rural District Council was born out of the Rural District Councils Act Chapter 29:13. Therefore its vision is ...“To be a District offering a high standard of living for its people” and its mission is ... “To build and sustain diverse rural communities, to improve quantitative and qualitative standards of living of the district people in a sustainable manner and to foster a sense of partnership built on the participation of all sectors of the district’s economy”. The Council would like to articulate a Human Resources Policy that would guide Human Resources issues that include: attraction and retention, training, and development, compensation and industrial relations, promotions, Health and Safety and Funeral. The policy would also provide a guideline for dealing with councilor training and orientation. Due to the ever-changing demands in the Human Resources field, it is

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imperative now that the Council establishes this policy with a clarification on the following areas:

- 1.1 The recruitment and selection policy.
- 1.2 .Health and Safety policy
- 1.3 Training and Development policy.
- 1.4 Promotions policy
- 1.5 Industrial Relations policy
- 1.6 Reward/ Compensation policy
- 1.7 Funeral policy
- 1.8 Medical aid policy

POLICY AREA NUMBER ONE

2. RECRUITMENT AND SELECTION

Chiredzi Rural District Council will Endeavour to employ competent and experienced personnel

In this attempt Chiredzi Rural District Council will adopt the following

- For any vacant post shall consider existing employees and officers within the establishment before external advertisements.
- Panel interviews shall be used in selecting the suitable incumbent for the post.
- Only Grade six (6) to eleven (11) positions shall be filled through the use of selection interviews.
- Grades 10 and 11, recruitment shall be as guided by the parent Ministry.

AIMS

- 2.1.1 To ensure consistency in recruitment and selection of officers and employees of Chiredzi Rural District Council.
- 2.1.2 To define conditions under which recruitment and selection may take place.
- 2.1.3 To define the criteria under which the potential recruits will be assessed.
- 2.1.4 To define procedures to be followed in recruitment and selection of staff.

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THE POLICY

- 2.1.5 Chiredzi Rural District Council will Endeavour to attract its suitable applicants through the following procedures:
- 2.1.6 Carrying out a manpower audit whether to fill the post or to incorporate it with other jobs if any
- 2.1.7 Carryout a job analysis so as to come out with a job description and a person specification
- 2.1.8 Place an advert whether internally, or externally
- 2.1.9 Pre-selection/ short list the potential candidates
- 2.1.10 Call applicants for interviews
- 2.1.11 Carry out the final selection

2.1.12 PROCEDURE

- 2.1.13 The entry qualifications for all potential recruits shall be five “O” levels including at least one language such as English, Shona , Ndebele, or Shangaani
- 2.1.14 Recruitment for any vacant post shall consider existing employees, and officers within the establishment before external advertisement.
- 2.1.15 Regardless of the above requirements, those within who will be considered must meet the pre-requisites of academic and professional qualifications, and other requirements for the vacant post.
- 2.1.16 Recruitment from the external labour market may only be considered when the internal sources have been exhausted.
- 2.1.17 For Grade one (1) to five (5) entry qualifications, like any relevant experience, shall be sufficient to be considered for recruitment.
- 2.1.18 For grades six (6) to eleven table (11), the basis for recruitment for the posts will vary in accordance with the requirements.
- 2.1.19 The form of interviews will then be depending on the position to be filled.
- 2.1.20 Payment of expenses for pre-appointment interview and removal of personal effects on appointment would be as per Conditions of Service Part 1,section 3&4

2.1.21 MINIMUM ENTRANCE QUALIFICATIONS

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TABLE 1

GRADE	POSITION	PROFESSIONAL QUALIFICATION
11	Chief Executive Officer	<ul style="list-style-type: none"> - Any Social Science degree - Business Studies Degree - Law Degree - Plus 3 years relevant experience. - A Master Degree in a relevant area is an added advantage.
10 H.O.D	Administration and Human Resources officer	<ul style="list-style-type: none"> - Social Science Degree plus IPMZ - At least 2 years relevant experience
	Community Services Officer	<ul style="list-style-type: none"> - Social Science degree - At least 2 years relevant experience
	Treasurer / Finance Officer and Internal Auditor	<ul style="list-style-type: none"> - Degree in Accounting / Finance - Full Chartered Institute of Accountants - Full Chartered Institute of Management Accountants
	Environment, Agric & Tourism	<ul style="list-style-type: none"> - Degree in Agriculture - Degree in Natural resources - Degree in Geography and Environmental Studies
	Engineer	<ul style="list-style-type: none"> - At least two year relevant experience - Degree in civil Engineering Or Water Engineering - Work experience for at least two year in local govt.
9	HR and Admin Officer	<ul style="list-style-type: none"> - Diploma in Local Government Administration - Diploma in Human Resources Management
	A/EO Finance/ Accountant	<ul style="list-style-type: none"> - HND Accounting
	A/EO Projects / Planning Officer/ Civil Engineering	<ul style="list-style-type: none"> - Diploma in RUP

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	Technician	<ul style="list-style-type: none"> - Diploma in Civil Engineering - Degree is an added advantage
	Campfire Co-coordinator	<ul style="list-style-type: none"> - Diploma in Agriculture - Diploma/Degree in wildlife and Safari management - Diploma in Local Government
	Township Superintendent	<ul style="list-style-type: none"> - Diploma in Local Government - Diploma in Community Development - Diploma in Social Work - Diploma in HR - Diploma in Administration
	PA to the CEO	<ul style="list-style-type: none"> - HND in Secretarial/office Administrator - Any higher qualifications would be added advantage.
	Workshop Foreman	<ul style="list-style-type: none"> - Class 1 mechanics
8	Private Secretary / Enterprise Manager	<ul style="list-style-type: none"> - HND in Secretarial Studies or equivalent - Executive Secretarial Studies
	Senior Accounts Clerks Book keeper	<ul style="list-style-type: none"> - ND in Accounting
	Roads supervisor	<ul style="list-style-type: none"> - Diploma in Civil Engineering
	Secretary	<ul style="list-style-type: none"> - Diploma in Local Government Administration - HND in Secretarial
7	Assistant Road Supervisor	<ul style="list-style-type: none"> - Certificate in Civil Engineering
6	Senior Accounts clerks	<ul style="list-style-type: none"> - Certificate in Accounts / Business studies - Intermediate Bookkeeping or equivalent
	Mechanic	<ul style="list-style-type: none"> - NIC tread tested / certificate in motor mechanics - Proof of 3 years experience in the trade
	Stores Clerk	<ul style="list-style-type: none"> - Diploma in Purchasing & Supplying - Diploma in Marketing
	Security Supervisor	<ul style="list-style-type: none"> - At least 3 years service in Armed Forces - Certificate in security work
	Revenue Clerk/Accounts	<ul style="list-style-type: none"> - At least 5 "O" levels with Maths or

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	Clerk	accounts - Elementary Bookkeeping - Higher qualification can be an added advantage.
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POLICY AREA NUMBER TWO.

3. HEALTH AND SAFETY

The management and staff of Chiredzi Rural District Council are committed to be strictly observant of occupational Health and Safety at workplace. In this Endeavour Chiredzi Rural District Council will adopt the following:

- A safe working environment, which is important in achieving greater efficiency and quality services.
- Compliance to National Legislation and high standards.
- Accidents prevention and investigation.
- Ensure that health and safety issues take precedence in all matters of labour and management activities.
- Be committed in establishment of occupational health and safety structures and appointment of relevant occupational health and safety of personnel.
- Identification, prevention and elimination of potential hazards at workplace.
- Ensure that safety management is integrated or co-ordinated into the overall organization's management activities.
- Everyone shall observe occupational health and safety standards and procedures including the use of personal protective clothing and equipment.
- Promote, support and encourage safety-training programmes to foster awareness.
- Ensure that employees, contractors and visitors are informed of and understand their obligations in respect of this policy statement.
- Everyone has the right of refusal to work under unsafe and unhealthy conditions.
- This will provide for regular review of the effectiveness of the policy against the national policy and local legal framework.
- Ensure provision of suitable and adequate resources for the management and implementation of this policy.

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POLICY AREA NUMBER THREE

4. STAFF TRAINING AND DEVELOPMENT

AIM

- To ensure that grades 1 - 11 are trained in areas that enhance their performance of the jobs in departments they are employed
- To ensure that grades 1-11 are trained in line with their career directed path with relevance to the operations of local authority.
- To ensure that grade 9 and 10 are developed to equip them with skills and knowledge that capacitates them to manage change effectively.
- The course and training program shall be notified and given approval by the CEO, before an officer is enrolled.
- To ensure that grade 10 are multi-skilled to enable them to be corporate managers with the ability to analyze, choose and implement strategic and corporate plans of the Local Authority and to ensure effective service delivery to constituency members.
- To ensure that all councillors are inducted or provided with short courses to enable them orientation in policy formulation.

THE POLICY

- Course requirements shall be approved by the CEO before proceeding on the course. Such approval shall be in form of a resolution of Council.
- On and off the job training may be offered to those qualifying and deserving employees and officers.
- Off the job training that required long periods of internment and absence from workplace shall be offered to employees and officers who will have completed three years of continuous service with the Local Authority.

- All training sponsored by the Local Authority shall be specific and relevant to the department and area of duty the employee or officer will be working. This means effectively that training shall endeavour to enhance the performance of the trainee in his or her area of employment.
- Employees and officers sponsored by Local Authority for any off the job training shall be bonded, after completing training, for the period equivalent to the duration of off the job training.
- Short off the job training shall be sponsored for officers who enable to acquire skills that enable them to deal effectively with issues arising from a holistic management of the Local Authority.
- Employees and officers are encouraged to embark on other self-improvement and development courses and duties.
- Where officers and employees successfully complete, on self-sponsorship, other relevant courses, the Local Authority may reimburse 80% [eighty percent] of the proved expenses and the officer or employees shall be bonded for a period equivalent to eighty percent of the training period.
- All candidates for training shall be approved, having applied and meeting the course requirements, by the CEO before proceeding on the course.
- Short courses and workshops shall be organized and sponsored by Council for new and old councillors to familiarize them with Council operations.

POLICY AREA NUMBER FOUR

5. PROMOTIONS

AIMS

- To ensure that competent staff are accordingly rewarded through promotion to positions of higher authority and responsibility.
- To ensure that organization's strong values and culture that drive effective and efficient service delivery to the inhabitants and district constituencies are upheld.
- To ensure that the Local Authority retain competent staff with the ability to adapt to and recognize the need for change in a dynamic Local Government environment, and the millennium.

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- To stipulate management succession, promotion and advancement procedures.

PROCEDURE

- All promotions in the Local Authority shall be based on qualifications, experience and individual performance.
- Before considering promoting an individual, the position to which the individual is to be promoted must be vacant and the individual must have the requisite qualifications.
- Performance appraisals for the previous two years plus the current performance appraisal shall be tabled before the Staffing Committee with a recommendation by the HOD to the Chief Executive Officer.
- Personal records of employees or officers ready for promotion shall also be examined to ensure clean record.
- While seniority may be considered, promotion shall be based on merit, qualifications and experience.
- Additional professional qualifications shall give advantage to the potential candidates for promotion.
- No promotion shall be automatic and all potential candidates shall go through the above process.
- The Full Council shall through its Staffing committee, resolve any issues arising from the need for promotion by officers and employees of the Local Authority.
- In case of retirement, resignation or death of a senior officer, succession shall be done through the normal promotion, advancement and recruitment procedures stated in this policy document.

POLICY AREA NUMBER FIVE

6. INDUSTRIAL RELATIONS

GRIEVANCE PROCEDURE

PREAMBLE

Approved and adopted by HR Committee and Full Council 2013

All employees have the right to seek redress relating to genuine grievances arising from dissatisfaction or injustices involving the employee's work or employment situation. It is in all the parties' interests that grievances be resolved at the earliest possible stage. All grievance cases will be treated without victimization.

AIMS

- To ensure consistence of treatment
- To maintain sound employment relationship

POLICY

The following policy shall be observed when dealing with grievance:-

- All grievances must be dated.
- Formal grievance form should be used when lodging a grievance.
- The aggrieved employee will submit the original copy of grievance to the immediate Head of Section/Head of Department/ Chief Executive Officer and one copy thereof to the Human Resources and Administration Officer and another to the Workers Committee/Union as the case may be.
- The Human Resources and Administration Officer to whom a copy of grievance has been sent is obliged to inform in writing relevant people concerned i.e. Head of Department, Head of Section, Chief Executive Officer, and Workers Committee.
- When an appeal has been lodged it is the duty of Head of Department, to forward his factual findings to the next higher authority on the appeal structure.
- Once a grievance is discovered from workers' committee meeting minutes, the Human Resources Department should act immediately without waiting to be informed by the Head of Department.
- An employee with a grievance against his immediate supervisor or Head of
- Department should lodge the grievance with a supervisor or Head of Department and if nothing happens within 7 working days, the employee may take up the matter with the next higher-level of authority.

PROCEDURE

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Procedures are therefore addressed by the Council Code of Conduct of 2009, section 5 –

7. DISCIPLINARY ACTION

Preamble

- ❖ With reference to the notion of psychological contract of employment, both the employer and the employees have expectations about the way of conducting work. Failure to meet employer's implied and expressed expectations by the employee amount to Indiscipline.
- ❖ Any offence which in terms of the Code warrants a verbal warning shall in the first instance be dealt with by appropriate immediate Supervisor/Head of Section/Head of Department of the respondent, and discussion shall be held in the presence of at least one witness (workers representative).
- ❖ The appropriate disciplinary committee shall deal with any other offence in terms of this code, if the determination of the appropriate immediate supervisor/head of section or head of department does not yield desired results.

AIMS

- To ensure justice and fairness in handling disciplinary issues
- To ensure transparency
- To ensure constructive judgments

POLICY

Any form of misconduct as stated in the Council Code of Conduct shall be dealt in accordance to the council code of conduct.

TITLE AND APPLICATION

Approved and adopted by HR Committee and Full Council 2013

This employment Code of Conduct shall be cited as the **Chiredzi Rural District Council, Employment Code of Conduct 2009** (Year) (hereinafter referred to as “the Code”).

- 1.1 This employment Code of Conduct shall apply to all Grades and staff employed by Chiredzi Rural District Council including those on:
 - i. Permanent employment terms
 - ii. Probation
 - iii. Contract employment
 - iv. Secondment
 - v. Attachment
 - vi. Voluntary terms

2. AIMS AND OBJECTIVES

This code is drafted in terms of Statutory Instrument 379 of 1990 with the following aims and objectives.

- 2.1 To provide a uniform procedure for corrective action where an employee behaves in an unsatisfactory manner or breaches the rules and regulations of Chiredzi Rural District Council.
- 2.2 Provide general guideline of the expected conduct of all Chiredzi Rural District Council employees.

3. GENERAL MATTERS

(i) Access of Employees to the Code

All local senior officials shall ensure that all employees at work place have access to this code, including Shona translations thereof, and shall display copies thereof on prominent notice boards at work place.

(ii) Amendment and Replacement of Code

Subject to the provisions of the Labour Relations (Employment Code of Conduct) Regulations, (379 of 1990), this code may be amended in writing or replaced with a new one, with the written consent of the management and the employees' representatives with the approval of the Ministry of Labour and Social Services.

(iii) Confidentiality

All grievances shall be treated as private and confidential and details thereof shall not be disclosed to unauthorized persons or discussed in public. Whenever if it is feasible, the Human Resources and Administration Officer shall attend grievance proceedings.

(iv) Retention of Records

All records of proceedings conducted in terms of this Code shall be kept or preserved for at least 36 months before disposal or destruction in the presence of Workers Committee, Managerial Representatives and Appeals Committee.

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4. **INTERPRETATION OF TERMS**

In this Code of Conduct: -

- 4.1 **“Aggrieved employee”** means an employee who has a grievance.
- 4.2 **“Appeals Committee”** means the Appeals Committee of the Council established and empowered to hear and determine appeals from decisions of Disciplinary Committees in terms of the code.
- 4.3 **“Appropriate Hearing Officer”** means
- i. Supervisor, in respect of grievances of Grade 1-8 employees in his/her Section.
 - ii. Supervisor in respect of grievances of Grade 1-8 for other departments.
 - iii. The Chief Executive Officer, in respect of grievances of employees in Grade 9-10
 - iv. Staffing Committee in respect of grievance of the Chief Executive Officer.
- 4.4 **“Chairperson”** means the Chairperson of Disciplinary/Appeals Committee and includes the Alternate Chairperson
- 4.5 **“Council”** means the Chiredzi Rural District Council established in terms of the Rural District Councils Act (Chapter 29:13)
- 4.6 **“Chief Executive Officer”** means a person appointed as such by the Chiredzi Rural District Council in terms of its conditions of services and approved by the Ministry of Local Government, Public Works and Urban Development or a person delegated to perform that function.
- 4.7 **“Disciplinary Committee”** means a Disciplinary Committee of the Council established in terms of the code.
- 4.8 **“Employee”** means any person, however designated, employed by or working for Council in terms of a contract of employment and includes permanent, contract employees, probation, voluntary term, secondment and on attachment.
- 4.9 **“Employment Representative”** means any person requested by an employee to represent him/her at a disciplinary or grievance hearing who shall be either a Trade Unionist, Workers Committee Member, a fellow employee or legal representative.
- 4.10 **“Employment Allowance”** means such allowances as:
- Housing allowance
 - Transport allowance
 - Water allowance
 - Tool allowance
 - Acting allowance
 - Responsibility allowance
 - Professional allowance

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- Electricity allowance
 - Fuel allowance
 - Critical allowance
- or any other allowance to which an employee shall be entitled in terms of the Council's regulations or rules.

- 4.11 “Grievance”** means a complaint relating to, associated with or concerning employment or conditions of services, but not related to or arising from disciplinary action taken in terms of this code.
- 4.12 “Head of Department”** means an employee for the time being holding office under the Council as Human Resources and Administration Officer, Executive Officer Finance, Executive Officer Technical Services, Executive Officer Community Services, Executive Officer Environment, Agriculture and Tourism, Internal Auditor.
- 4.13 “Labour Court”** means the Labour Court established in terms of Labour Act, (Chapter 28:01).
- 4.14 “Management”** means the management of Council or Heads of departments and Heads of Sections.
- 4.15 “Managerial Employee”** is an employee as defined by the Labour Act (Chapter 28:01).
- 4.16 “Misconduct”** means an act or omission constituting misconduct in terms of the code.
- 4.17 “Registrar”** means Registrar of Labour Relations
- 4.18 “Secretary”** means the Secretary of a Disciplinary/Appeals Committee.
- 4.19 “Senior Official”** means
- (a) A Head of department
 - (b) A Head of Section
 - (c) Any other employee designated as senior official, including any employee appointed to act in the capacity, each of his/her department, Section or area of jurisdiction, as the case may be:
- 4.20 “Trade Union”** means any registered Trade Union with registered interests in Rural Local Authorities.

5. GRIEVANCE HANDLING PROCEDURE

Approved and adopted by HR Committee and Full Council 2013

5.1 Preamble

All employees have the right to seek redress relating to genuine grievances arising from dissatisfaction or injustices involving the employee's work or employment situation. It is in all the parties interest that grievance be resolved at the earliest possible stage. All grievances cases will be treated without victimization.

6. GENERAL PROCEDURE FOR HANDLING GRIEVANCES

The following procedure shall be observed when dealing with grievance:-

- (a) All grievances must be dated.
- (b) Formal grievance form should be used when lodging a grievance.
- (c) The aggrieved employee will submit the original copy of grievance to the immediate Head of Section/Head of Department/ Chief Executive Officer and one copy thereof to the Human Resources and Administration Officer and another to the Workers Committee/Union as the case may be.
- (d) The Human Resources and Administration Officer to whom a copy of grievance has been sent is obliged to inform in writing relevant people concerned i.e. Head of Department, Head of Section, Chief Executive Officer, Workers Committee.
- (e) When an appeal has been lodged it is the duty of Head of Department, to forward his factual findings to the next higher authority on the appeal structure.
- (f) Once a grievance is discovered from workers' committee meeting minutes, the Human Resources Department should act immediately without waiting to be informed by the Head of Department.
- (g) An employee with a grievance against his immediate supervisor or Head of Department should lodge the grievance with a supervisor or Head of Department and if nothing happens within 7 working days, the employee may take up the matter with the next higher-level of authority.
- (h) The following grievance routes which are depicted on chart on **Page 8** shall be observed and followed:

In the **Informal Route 1**, an aggrieved employee may discuss his/her grievance with the immediate Supervisor/Head of Department without putting it in writing, if it yields no results, the aggrieved may resort to the **Formal Route**.

Route 2 is the formal one where everything is put in writing.

6.1 GRIEVANCE PROCEDURE CHART

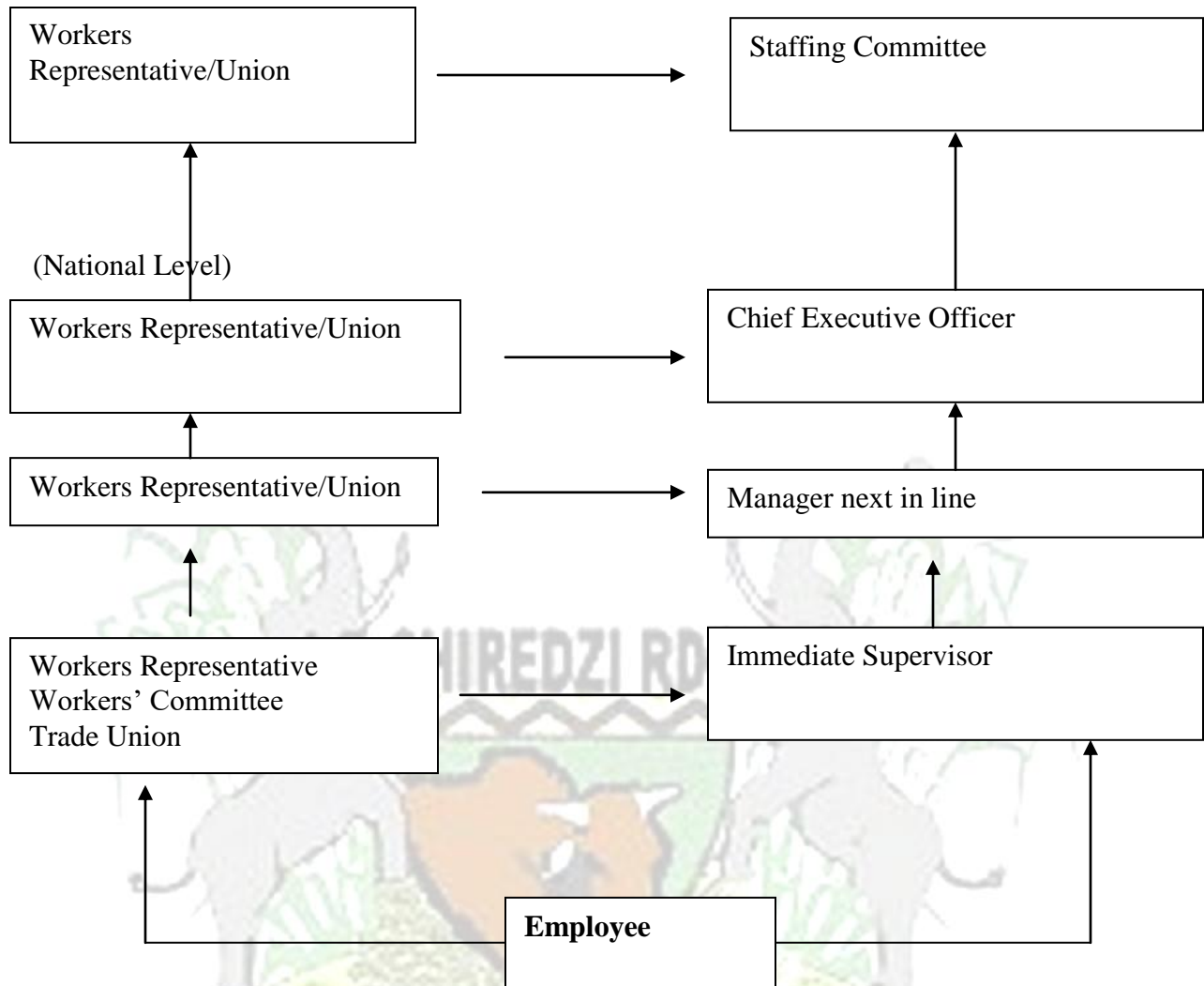
ROUTE 1 (INFORMAL)

Support Service in settling grievance

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ROUTE 2 (FORMAL)

Managerial line responsibility in settling grievance



6.2 General Procedure for Settling Grievances

STAGE 1

- (a) An aggrieved employee may submit his grievance in writing, setting out the relevant information and his wishes together with any documentary or other evidence in support of his case to the appropriate Hearing Officer, for determination.
- (b) Within 7 working days of receiving a grievance, the appropriate Hearing Officer shall:
 - (i) With the assistance, where necessary, of the aggrieved employee's immediate superior/supervisor, investigate the matter by hearing the aggrieved employee and the evidence of any other employee, in private: and:
 - (ii) In consultation, where necessary, with any other official of the Council determine the grievance and advise the aggrieved employee of such determination, in writing.

7. APPEALS BY AGGRIEVED EMPLOYEES

7.1.1 Appeals by Aggrieved Non-Managerial Employees – Grade1-8

STAGE 2

- (i) If an aggrieved employees is not satisfied with a determination made by the appropriate Hearing Officer the accused person shall, within 7 working days of receiving such determination, request the appropriate Hearing Officer, in writing setting out the reasons for his dissatisfaction, to refer the matter to the relevant Head of Department for determination, where upon the appropriate Hearing Officer shall comply with the request and shall forthwith submit all the relevant documents including the report of his own determination and the aggrieved employee's request to the relevant Head of Department.
- (ii) Within 7 working days of receiving an appeal, the relevant Head of Department shall determine the grievance in consultation, where necessary, with any other official or Head Department and advise the aggrieved employee and the appropriate Hearing Officer of his determination in writing.

STAGE 3

- (iii) If the aggrieved employee is not satisfied with the determination made by the relevant Head of Department, he shall request the relevant Head of Department to refer the matter to the Chief Executive Officer for determination whereupon the Head of Department shall forthwith submit the case and all relevant reports and documents to the Chief Executive Officer.
- (iv) Within 7 working days of receiving grievance, the Chief Executive Officer shall, where necessary, with assistance of or in consultation with any other official or Head of Department, determine the grievance and advise the aggrieved employee, through his/her Head of Department of such determination in writing.

STAGE 4

- (v) If the employee is not satisfied with a determination made by the Chief Executive Officer he/she may request the Chief Executive Officer to refer the matter to the appropriate committee of the Council for determination, whereupon the Chief Executive Officer shall, at the earliest possible opportunity place before that Committee which shall determine the matter.

STAGE 5

- (vi) If the employee is not satisfied with the determination he/she may be advised to refer the matter to a Labour Officer.

7.1.2 Appeals by Aggrieved Managerial Employees- Grade 9-10

STAGE 2

- (i) If an aggrieved employee is not satisfied with a determination made by the appropriate hearing officer he shall request the appropriate hearing officer in writing setting out the reasons for his/her dissatisfaction to refer the matter to the Chief Executive Officer. The hearing officer who shall forthwith submit the grievance and all relevant documents and reports to the Chief Executive Officer within 7 working days.
- (ii) Within 7 working days of receiving a grievance the Chief Executive Officer shall, with the assistance of or in consultation with any other official or Head of Department, where necessary determine the grievance and advise the aggrieved employee, through the appropriate hearing officer, of his determination.

STAGE 3

- (iii) If the aggrieved employee is not satisfied with a determination made by the Chief Executive Officer, he shall request the Chief executive Officer to refer the matter to the Staffing Committee of the Council for determination, whereupon the Chief Executive Officer shall, at the earliest possible opportunity place the matter before that committee which shall finally determinate the matter.

STAGE 4

- (iv) If the employee is not satisfied with the determination he/she may be advised to refer the grievance to a Labour Officer. Provide for referral to a Labour Officer if matter is not finalised after 30 days.

7.1.3 Appeals by Aggrieved Chief Executive Officer

- (i) If the Chief Executive Officer is not satisfied with the determination made by the Staffing Committee he/she request, in writing within 7 working days, setting out his/her reasons for his/her dissatisfaction, refer the matter to Full Council which shall finally determine the matter.
- (ii) If the Chief Executive Officer is not satisfied with a determination he/she may be advised to appeal to the Labour Officer.

8. DEFINITION OF ACTS OF MISCONDUCT

Catergorized Acts of Misconducts

- Written warnings are valid for 6 months
 - Final written warnings are valid for 12 months
 - Dismissal is immediate
- Periods between the time the warning is issued and its expiry is meant to give the offender time and opportunity to reform.

All employees who commit any of the following acts shall be guilty of misconduct.

8.1 MINOR OFFENCES

	1 st Breach	2 nd Breach	3 rd Breach	4 th Breach
	Verbal Warning	First written warning	Final written warning	Dismissal
Duration		6 months	12 months	

8.1.1 Loss of Council Property (at prevailing replacement values)

An employee loses property if any property belonging to the employer which is entrusted into his/her care or custody or made available to his/her use in the performance of his/her work is lost through his/her negligence and he/she cannot redeem.

8.1.2 Damaging property (at prevailing replacement values)

An employee damages property if without necessity or justification he/she willfully causes damage to any property or destroys it or throws it away.

8.1.3 Horseplay

An employee commits a misconduct if he/she makes rough, noisy behaviour that may affect the concentration of other employees.

8.1.4 Loitering

An employee is loitering if he/she is lingering or hanging about, from place to place doing nothing when he/she should be working or socializing at length with another employee or member of the public.

8.1.5 Illegal Trading on Council Premises

An employee commits an offence by selling or canvassing on Council premises.

8.1.6 Absence from Specific Place of duty

An employee is absent without leave if he/she wanders off without permission or reasonable excuse when he/she should be present at his/her place of duty.

8.1.7 Doing Private Business or Work During Working hours

An employee is bound to devote his/her time to the work he/she is employed to do during working hours. It is a misconduct to read any magazine, book or any other literature not related to official duty during working hours.

8.1.8 Absence without leave

An employee is absent without leave if he/she takes time off without authority or he/she takes time without leave or overstays.

8.1.9 Habitual dozing on duty

An employee has a duty to be awake throughout the period of his/her shift and therefore, neglects that duty if he/she habitually dozes on duty.

8.1.10 Laziness

An employee shows laziness if he/she dislikes or avoids work.

8.1.11 Lateness for Duty/Work

An employee is late for duty if he/she is not at his/her place of work at the time stipulated including after a laid down break.

8.2 SERIOUS OFFENCE

	1 st Breach	2 nd Breach	3 rd Breach
	First written warning	Final written warning	Dismissal
Duration	6 months	12 months	Nil

8.2.1 Aiding misconduct

An employee is guilty of a misconduct if he/she enables, assists, encourage or permits/encourage any person to commits any misconduct

8.2.2 Poor time keeping

It is a misconduct for an employee to abandon work before time, even he/she has no other work to do unless he/she has obtained permission from his immediate supervisor, including before a laid down break.

8.2.3 Disrespectful conduct

An employee is disrespectful if by words or action he/she degrade any person.

8.2.4 Withholding information

An employee withholds information if, deliberately and without justification, he/she does not give information within hi/her knowledge which he/she is required to give in connection with the business of the employee or his/her employment.

8.2.5 Inciting Disaffection

An employee incites disaffection if, by any conduct he/she urges, or instigates, or stirs up hatred, or ill feeling or discontent among other employees.

8.2.6 Sleeping on duty

An employee has a duty to be awake throughout the period of his/her shift and therefore, neglects that duty if he/she falls asleep on duty. Sleeping on duty is aggravated if the job involves security or operating a moving machine e.g security guards.

8.2.7 Malingering

An employee is malingering if he/she obtains by any false pretence or obtains or endeavors to obtain a medical certificate by false pretences in order to obtain such leave.

8.2.8 Engaging in Money lending on Council's premises at Usurious charges (chimbado) and gambling

It is a misconduct for an employee to engage in money lending at usurious rates and gambling on Council premises.

8.2.9 Improperly calling a meeting

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It is a misconduct to convene a meeting during working hours without following agreed procedures.

8.2.10 Use of abusive and insulting language

An employee uses threatening, abusive or insulting language if he/she uses language which ridicules or shows contempt for another and is likely to provoke physical violence. The use of threatening, abusive or insulting language, or behaviour with the intent to provoke or breach of the peace or which does so is a criminal offence. It is also a civil offence.

8.2.11 Possession of dangerous weapons

An employee is guilty of an offence if found in possession of dangerous weapons such as firearms on duty unless with a special permission from the authorities.

8.2.12 Malicious conduct

It is malicious conduct for an employee to make or publish any statement orally, or in writing, whether signed or unsigned, which he/she is unable to verify by proof or evidence and is calculated to bring the employer or other person into hatred, dishonor, disgrace or to give the impression that some wrongful conduct or breach of the law has been committed.

8.2.13 Misuse of Council property

It is a misconduct to use Council property for unauthorized purposes or to remove the same from Council premises to use for private purposes without authorization.

8.2.14 Conflict of interest

An employee has a conflict of interest if without employer's authority he/she is engaged in any activity outside his/her employment to the prejudice of the business of the employer or if such activity is inconsistent or incompatible with the proper performance of his/her work or his/her position in the undertaking.

8.2.15 Failure to wear protective clothing or equipment

An employee commits an act of misconduct if he/she does not wear protective clothing or equipment when this is provided.

8.2.16 Deliberately working slowly

An employee is deliberately working slowly if, without reasonable explanation, he/she deliberately reduces his/her normal speed of working below that of an average employee doing the same work and in the same manner so that he/she thereby reduces his/her output, or takes a longer period than normal to complete his work.

8.2.17 Disobeying safety, Health rules and regulations

It is a misconduct for an employee to disobey or disregard safety rules and health regulation at work.

8.2.18 Insubordination

An employee is insubordinate if, by word or conduct he/she openly defies the authority of any supervisor or manager.

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8.2.19 Incompetence

An employee is incompetent if, because of lack of skill he/she consistently turns out unsatisfactory work despite having been trained.

8.2.21 Driving without authority

An employee drives without authority if, without being granted Authority by the employer he/she drives on any road including the employer's premises, any motor vehicle belonging to the employer and does so in the course of his/her employment. Permitting an unauthorized person to drive any vehicle, machine or tractor belonging to Council.

8.3 VERY SERIOUS OFFENCE

	1 st Breach	2 nd Breach
	First written warning	Dismissal
Duration	12 months	Nil

8.3.1 Pirating (Carrying unauthorised passengers)

It is a misconduct to use Council vehicle as a taxi by carrying unauthorized passengers for a reward whether in cash or kind.

8.3.2 Inefficiency

An employee is inefficient if he/she is unable to do his/her work with the level of skill and speed which would be reasonably expected of an employee qualified for the job.

8.3.3 Neglect of Duty

An employee neglects his/her duty if he/she does not perform his/her job at all, or half performs it, or abandons it, or does not care whether his/her job is done or not and/or engages himself in other unauthorized activities during work time.

8.3.4 Negligence

An employee is negligent if he/she does not take reasonable care in the performance of his/her job to avoid acts or omissions which he/she can reasonably foresee would be likely to cause loss or damage.

8.3.5 Sexual harassment

This is unwanted conduct of sexual nature, or other conduct based on sex affecting the dignity of men and women at work. This includes unwelcome physical, verbal or non-verbal conduct, conduct of sexual nature and sex-based conduct, i.e. conduct that denigrates or ridicules or is intimidatory or derogatory degrading abuse or insults which are gender-related and offensive comments.

8.3.6 Making Threats

An employee makes threats if, intending to cause fear and alarm by any act or omission and whether by words or conduct, leads to instill fear to any employee

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or family or property whether immediately or in future. Making threats is a criminal offence.

8.3.7 Discreditable conduct

It is a discreditable conduct for an employee to be rude and un-obliging towards members of the public who have dealings with the employer.

8.3.8 Drinking on duty

An employee is drinking on duty if, while on duty he/she is taking intoxicating beverages or drugs during working hours at place of work.

8.3.9 Habitual tardiness

An employee commits a misconduct if by slow acting he/she can endanger other workers or property at workplace.

8.3.10 Intimidation

An employee intimidates a fellow employee if by threats or obstructs another from performing his/her duties or uses norms to compel another to act or to refrain from acting against his/her will.

8.3.11 Tampering with safety equipment

An employee commits an offence if he/she meddles with, handles improperly or makes unauthorized changes or alterations to safety equipment.

8.3.12 Breaching of Council's security regulations

It is a misconduct for an employee to permit unauthorized and unlawful entry of any person(s) or articles(s) onto Council' premises and failure to observe security regulations.

8.3.13 Fighting

It is a misconduct for employee to fight at a workplace. This is an exchange of blows between two or more employees usually following a challenge by one to the other. If an injury is inflicted, the matter should be reported to the police.

8.3.14 Driving without a licence

An employee drives without a licence if, without being the holder of a valid driving licence he/she drives on any road including the employer's premises, any motor vehicle belonging to the employer and does so in the course of his/her employment.

8.3.15 Criminal conviction

An employee is guilty of a misconduct if he/she is convicted of any criminal case and sentenced to imprisonment with or without the option of fine.

8.3.16 Possession of drugs

An employee is in possession of drugs if, while at the workplace, he/she has in his/her possession or control any drug which is prohibited by law.

8.3.17 Attempt to commit any offence

An employee attempts to commit an offence if, he/she does not succeed in committing the offence in question but has carried out an act or acts which are evidence of his/her intent and directed towards putting that intention into effect.

8.3.18 Taking drugs on duty

An employee takes drugs if, while on duty, he/she takes, in any form, any drug prohibited by law which has the effect of inducing drowsiness, sleep or senselessness or otherwise impair his/her faculties.

8.3.19 Sabotage

It amounts to sabotage if an employee deliberately inflicts harm or damage to any machinery, materials or other goods or equipment with the intention of disrupting production or spoiling products or causing loss to the employer.

8.4 GROSS OFFENCE

Duration	1 st Breach
	Dismissal
	Nil

8.4.1 Smoking in prohibited places

An employee commits an offence by intentionally smoking in prohibited places on Council property.

8.4.2 Corruption

It amounts to corruption for an employee to unlawfully and intentionally agrees to take any bribe or a consideration in return for doing or refraining from doing anything for anyone in relation to his/her duties.

8.4.3 Concealing one's defective work

An employee commits an act of misconduct if he/she covers up or conceals work which is not properly done and not up to standard.

8.4.4 Fraud

It is fraud to unlawfully make, a misrepresentation, whether written, oral or by conduct which causes action prejudice or which is potentially prejudicial to another. Fraud is a crime as well as civil offence.

8.4.5 Stealing/Theft

An employee commits the offence and crime of theft he/she dishonestly or unlawfully takes or misappropriates property belonging to the employer or another employee or member of the public on the Council's premises or conducting business with the Council with the intention to deprive the owner permanently of the property and keeping the article taken or disposing of it to a third party.

8.4.6 Embezzlement

An employee embezzles the Council's property/funds if he/she converts to his/her own property which has been received by him/her on behalf of the employer.

8.4.7 Forgery

It is forgery to falsify any signature, document or written information and to communicate the same to another with intent of causing actual prejudice or which is potentially prejudicial to the employer.

8.4.8 Falsification of qualification certificates

An employee is guilty of an offence if he/she falsifies qualification certificates.

8.4.9 Extortion

It amounts to extortion for an employee to demand money, a favour, property, services or any advantages for such purpose to intentionally and unlawfully subject pressure to a member of the public dealing with the Council whether by threat or not performing his/her employment duty to such a person or by abuse of his/her discretion or otherwise.

9. DISCIPLINARY HANDLING PROCEDURE

- (i) Any offence which in terms of the code warrants a verbal warning, shall in the first instance be dealt with by appropriate immediate Supervisor/Head of Section/Head of Department of the respondent, and discussion shall be held in the presence of at least one witness (workers representative).
- (ii) The appropriate disciplinary committee shall deal with any other offence in terms of this code, if the determination of the appropriate immediate supervisor/head of section or head of department does not yield desired results.

9.1 Disciplinary Committee Composition for Non-Managerial Employees in Grade 1-8

There shall be a Disciplinary Committee for employees in Grade 1-8 whose composition shall be as follows:-

- (i) Human Resources and Administration Officer (Chairperson) or a person designated by him/her who shall be the Chairperson.
- (ii) The head of department in which the respondent is employed.
- (iii) 3 workers committee members
- (iv) Employee Representative
- (v) An Administration Clerk or any other staff member in his/her grade range shall be the Secretary of the committee.

9.2 Disciplinary committee composition for Managerial Employees in Grade 9-10

There shall be a Disciplinary Committee for Employees in grade 9-10 inclusive whose composition shall be as follows:-

- (i) Staffing Committee Chairperson.

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- (ii) Staffing Committee Member
- (iii) 2 Heads of Department
- (iv) 2 representatives of Managerial Committee
- (v) 1 Employee representative
- (vi) Human Resources and Administration Officer for taking minutes.

9.3 Disciplinary Committee Composition for the Chief Executive Officer

There shall be a disciplinary committee for the Chief Executive Officer whose composition shall be as follows:

- (i) 3 members of the Staffing committee appointed by Council who shall elect from among themselves as a Chairperson and Secretary.
- (ii) A representative from Ministry of Local Government, Public Works and Urban Development at District level, (ex-officio) – District Administrator.
- (iii) Employee representative.

9.4 PROCEDURE FOLLOWING ALLEGATION OF MISCONDUCT

- (i) The Head of Department/Head of Section in the case of a respondent who is a head of department, the Chief Executive Officer shall within 5 working days of the date of the particulars of the alleged act of misconduct cause an investigation into the matter to be carried out.
- (ii) Written statements from the respondent and witness, if any, or any documentary evidence relevant to the misconduct shall be obtained.
- (iii) If the respondent is liable to a verbal warning, the matter shall be dealt in accordance with subsection 9. (i) of this code.
- (iv) In the case of a misconduct which warrants a penalty more than a verbal warning, the report of the investigation shall be forwarded to the Human Resources and Administration Officer or his representative who shall study the written statements and decide whether to convene a hearing or not.
- (v) If the Human Resources and Administration Officer decides to convene a hearing he/she shall, in consultation with the respondent's Head of department/Head of Section in writing, notify the respondent, of the date, time and place on which the disciplinary committee shall ensure that substantial justice is done.
- (vi) In the case of a respondent who is a Head of Department/Head of Section, the Chief Executive Officer shall notify the respondent of the date, time and place on which the disciplinary committee will convene in order to determine whether or not the respondent is guilty of misconduct.

9.5 PROCEEDINGS OF THE DISCIPLINARY COMMITTEE

- (i) The Chairperson shall ensure that all parties are present at the hearing, but the enquiry may be held in the absence of the respondent if he/she fails to attend the enquiry after due notice is given. (7 working days).

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- (ii) The Chairperson shall outline the charge against the respondent to respond to the charge.
- (iii) The Chairperson may call witnesses to give evidence and the respondent shall be free to cross-examine any witnesses.
- (iv) The respondent shall be entitled to appear in person to the enquiry or with legal or other representation and to call other witnesses he/she may wish to give evidence on his/her behalf.
- (v) An enquiry shall be conducted in an informal manner and the rules of the procedure and evidence applicable in criminal or civil matters need not be observed at the enquiry, provided that the Chairperson of the disciplinary committee shall ensure that substantial justice is done.
- (vi) Other members of the disciplinary committee shall be free to ask any questions relevant to the hearing.
- (vii) The Chairperson may adjourn the proceedings for further investigations and shall specify the date on which the disciplinary committee shall convene.
- (viii) The Chairperson shall summarize all the evidence before the committee and the disciplinary committee shall assess the evidence and arrive at a decision. In arriving at a decision, the disciplinary committee shall if necessary, take a vote. The Chairperson shall have a casting vote.
- (ix) If the respondent is found guilty of misconduct, the disciplinary committee may apply any of the penalties specified in Section 8 of this code, as may be appropriate, and the penalties shall be entered into the employee's/respondent's record. The respondent shall be informed forthwith verbally and thereafter in writing of the decision of the disciplinary committee and a penalty applied upon him/her.
- (x) In arriving at a penalty, the disciplinary committee shall take into account the following:-
 - (a) The employee's disciplinary record.
 - (b) The mitigating or extenuating circumstances, and
 - (c) Any other entries in the respondent's records.
- (xi) Respondent's Head of Department/Head of Section, in writing, notify the respondent, of the date, time and place on which the disciplinary committee will convene in order to determine whether or not the respondent is guilty of misconduct.
- (xii) In the case of a respondent who is a head of department/head of section, the Chief Executive Officer shall notify the respondent of the date, time and place on which the disciplinary committee will convene in order to determine whether or not the respondent is guilty of misconduct.

9.6 Appeals committee composition for non-managerial employees in Grade 1-8

There shall be an appeals committee for employees in Grade 1-8 to determine decision from the appropriate disciplinary committee. The composition shall be as follows:-

- (a) Staffing committee chairperson and other committee member.
- (b) Human Resources Officer as the secretary
- (c) 3 members of workers committee
- (d) 1 employee representative

9.7 Appeals committee proceedings for non-managerial employees Grade 1-8

- (i) A respondent who is not a Managerial Employee, who is dissatisfied with a decision of the disciplinary committee, shall in writing lodge an appeal against the decision of the Head of department or a person designated by him/her within the disciplinary committee, of the appeals committee within 7 days.
- (ii) If an employee is not satisfied with the determination he/she may be advised to appeal to a Labour Court within 21 days from the date of receiving the decision. Provide for referral to a Labour Officer after 30 days.

9.8 Appeals committee composition for Managerial Employees Grade 9-10

There shall be an appeals committee for the managerial employees to determine appeals from the decision of the relevant disciplinary committee. The composition shall be as follows:

- (i) Vice Council Chairman and any other member delegated by him.
- (ii) Chief Executive Officer and two other managerial committee other than those who would have taken part in the disciplinary proceedings.
- (iii) Human Resources Officer - Secretary
- (iv) Any other substantive Head of Department can be chosen to chair in the absence specific of the Human Resources Officer.
- (v) Employee representative.

9.9 Appeals Committee Proceedings for Managerial Employees Grade 9-10

- (i) A respondent who is a managerial Employee other than the Chief Executive Officer, who is dissatisfied with any decision, shall lodge a notice of appeal to the Chief Executive Officer or any person designated by him/her within two working days of receiving the written decision of the disciplinary committee.
- (ii) The notice of appeal shall briefly and clearly state the ground upon which the appeal is based.

Stages to be followed in Appeals

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Stage 1

- (i) On receipt of the notice of appeal, the appeals committee shall, after
 - a. Full consultation with the disciplinary committee concerned, and
 - b. Considering the record of proceedings of the disciplinary committee, and
 - c. Hearing any additional evidence he/she may consider necessary if conducted, or may confirm, vary or set aside the decision in the matter it considers appropriate. The appellant shall be informed in writing of the decision.
 - d. The appeals committee chairperson ensures that a record of appeal is kept together with any other disciplinary record of the employee on the employee' file.
 - e. If the hearing of the appeal does not take place within 7 working days from the date of the appeal, and the appellant has received no communication regarding the date of the hearing, he/she shall follow the procedure in terms of stage 2 of the appeal process.

Stage 2

- a. If an appellant is dissatisfied with the decision arrived at in Stage 1 of the appeal process or the appeal has not been conducted within 7 working days of the lodging of the appeal, he/she appeals to the Finance and Staffing committee comprising of the Human Resources and Administration Officer and Chief Executive Officer.
- b. The appellant may appeal in writing to the Chairperson of the Finance and Staffing within 3 working days of the decision reached at stage 1 of the failure to hold a hearing under stage 1 stating briefing the grounds upon which the appeal is based.
- c. On receipt of the notice of appeal, the Chairperson shall proceed as set out in stage 1.

Stage 3

If the employee is not satisfied with the determination he/she may be advised to appeal to a Labour Officer within 21 days from the date of receiving the decision.

9.10 Appeals committee composition for the Chief Executive Officer

There shall be an appeals committee for the Chief Executive Officer to determine appeals from the decisions of the relevant disciplinary committee.

The composition shall be as follows:-

- (i) The Council Chairman or any other member delegated by him.
- (ii) 2 other councillors
- (iii) A representative of Ministry of Local Government, Public Works and Urban Development at District Level (ex-officio member) District Administrator.
- (vi) Employee representative.

9.11 Appeals committee proceedings for the Chief Executive Officer

- (i) A respondent who is the Chief Executive Officer may appeal to Full Council.
- (ii) An employee not satisfied by the ruling of an appeals committee shall apply to the Council chairman for the review of the ruling made by the appeals committee.

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- (iii) The Council Chairman may set up a committee of Councillors of any number seen fit to review the appeals committee ruling or the Council Chairperson may table the request before Full Council meeting. The Council Chairperson may invite advisors if necessary any may also invite aggrieved employee for explanation.
- (iv) If the employee is not satisfied with the determination he/she may be advised to appeal to a labour Court within 14 days from the date of receiving the decision.

9.12 Requirements on Disciplinary and Appeal Procedures

- (i) Any case shall be conducted from date of commencement of proceedings within 30 days i.e
- (ii) 14 days within disciplinary procedure.
- (iii) 14 days within appeal procedure
- (iv) If the case is not concluded within 30 days of commencement of proceedings, then the matter shall be referred to a Labour Officer.



10. DISCIPLINARY ACTION THAT CAN BE USED AS PUNISHMENT TO AN ACT OF MISCONDUCT

10.1 NOTE 1 DEDUCTION FOR TIME LOSS

Any money attributed to any time lost as a result of an employee's poor time keeping or absenteeism shall be deducted as unpaid time.

Where unpaid time, unpaid leave and any period of suspension without pay is aggregate to thirty days or more, leave and annual bonus embezzlements shall be reduced prorate. Where there is no misconduct involved forfeiture of annual leave to cover the total or part of absence may be allowed in lieu of unpaid leave.

10.2 NOTE 2 DEDUCTION FOR COUNCIL COSTS

Where misconduct result in or incurs any cost, damages, overpayments, losses or payments made on behalf of an offender's salary or terminal benefits, provided that where pension monies are involved the Registrar approval must be obtained. Monthly deduction on employee's salary/wage must not exceed a maximum of 25% of gross salary/wage. Costs to be recovered at prevailing replacements costs.

10.3 NOTE 3 SUSPENSION OR WITHDRAWAL OF BENEFITS

Suspension or a complete withdrawal of staff privileges shall be applied in all cases of abuse of these concessions and may be applied as an interim measure pending an enquiry.

10.4 NOTE 4 RESTRICTION OR PROHIBITION AND WITHDRAWAL OF ALLOWANCES

Restriction or prohibition of a part of or all duty for set period time may be deemed appropriate. Alternatively a direction to take enforced leave should be considered. Whilst basic salary is paid whilst restricted or prohibited, any allowance attribute to a restricted duty shall be withdrawn for the period concerned.

10.5 NOTE 5 SUSPENSION WITHOUT PAY AND ALLOWANCES

Suspension without pay and allowances and all other benefits for a set period of time may be deemed appropriate as an alternative to restriction or prohibition where such is in appropriate or insufficient disciplinary action. Where such suspension is applied as a disciplinary action for a period of a month or more, the offender's incremental date shall be accordingly delayed by the same period. Also all contributions, council and offender's towards the pension plan and medical aid scheme together with any other payments made by the council on the offender's behalf shall be recovered from the offender's salary on return to normal work.

10.6 NOTE 6 LATERAL TRANSFER

Where a vacancy exist in another less sensitive area of the Council, lateral transfer may additionally be appropriate.

10.7 NOTE 7 DEMOTION

Demotion to a lower position may be considered in conjunction of salary and benefits applicable to the position. After servicing the demotion period, the employee is free to apply for any position in the council and no reference should be made to the demotion thereafter.

10.8 NOTE 8 TERMINATION OF EMPLOYMENT

Termination of employment shall be in accordance with this code and due notice.

10.9 NOTE 9 COURT VERDICT AND LITIGATION THEREAFTER

Where the misconduct involves criminal prosecution, whatever court findings arising, this shall not necessarily dismiss Council action in terms of this Code.

10.10 NOTE 10 RECOVERY OF COUNCIL COSTS (MONIES)

Disciplinary action administered in terms of his code does not preclude the Council's right to pursue any other action in law against an offender for recovery of monies, civil recoveries.

10.11 NOTE 11 COMMUNICATION WITH ABSENT EMPLOYEE AND FREEZING OF BENEFITS

In the case of absenteeism or whereabouts are unknown, it shall be sufficient to address all correspondence to the employee's last known address. Until an alleged offender puts in a personal appearance all monies due to the employee shall be frozen and held by Council pending outcome of the enquiry.

10.12 NOTE 12 VOLUNTARY RESIGNATION

An alleged offender may exercise his/her right to resign from employment at anytime. Such resignation may be accepted subject to acquittal of all outstanding monies claimed by the Council from the offender. Such resignation shall be with immediate effect.

10.3

SANCTION PLAN

Category of misconduct	Deduct for time loss	Deduct for Council costs	Suspension or withdrawal of benefits	Restriction or prohibition and withdrawal of allowances	Suspension without pay and allowances	Lateral transfer	Demotion	Suspension without pay and allowances pending termination of employment
Mitigation Ref: Offence	10.1	10.2	10.3	10.4	10.5	10.6	10.7	10.8
1. Minor	Apply	Apply					Minor award only 50% of bonus	Apply
2. Serious	Apply	Apply	Max 1 Month	Max 3 months	Max 14 days	L/Transfer	6 months	Apply
3. Very serious	Apply	Apply	Max 3 months = 1year	Max 12 months = 1year	Max 14 days	L/Transfer	12 months	Apply
4. Gross	Apply	Apply	Max 6 months	Max 6 months	Max 14 days	L/Transfer	6 months	Apply



CHIREDDZI RURAL DISTRICT COUNCIL



Approved and adopted by HR Committee and Full Council 2013

APPENDICES



CHIREDCI RURAL DISTRICT COUNCIL – CODE OF CONDUCT

APPENDIX 1

**DECLARATION BY CHIREDCI RURAL DISTRICT COUNCIL WORKS
COUNCIL**

We, the representatives of all No-Managerial employees and Managerial Employees of Chiredzi Rural District Council, declare that we so resolved to have this document as registered Chiredzi Rural District Council Code of Conduct applicable to all Chiredzi Rural District Council employees.

The code shall be used in settling disciplinary problems and grievances within Chiredzi Rural District Council. Declaration made on behalf of Council managerial Employees and Non-Manual employees by the following members:-

COUNCIL

REPRESENTATIVES	DESIGNATION	SIGNATURE	DATE
1. -----	-----	-----	-----
2. -----	-----	-----	-----
3. -----	-----	-----	-----
4. -----	-----	-----	-----

MANAGERIAL

REPRESENTATIVES	DESIGNATION	SIGNATURE	DATE
1. -----	-----	-----	-----
2. -----	-----	-----	-----

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3. -----

4. -----

WORKERS

REPRESENTATIVES	DESIGNATION	SIGNATURE	DATE
-----------------	-------------	-----------	------

1. -----

2. -----

3. -----

4. -----



CHIREDDZI RURAL DISTRICT COUNCIL – CODE OF CONDUCT

**APPENDIX 11
GRIEVANCE FORM**

1. Name of complaint:

Position:.....

2. Grievance (in

summary):.....

.....

.....

3. Full statement giving all facts including names of witnesses attached:

Yes/No:

Number of

pages:.....

4. Proposed solution (Optional)

.....

.....

5. Signed:.....

Date:.....

6. Department representative or Section Head advised:

.....

Name

Signature

.....

Date.....

7. Witness statement necessary: Yes/NO: No. of pages:.....

Date:.....

8. Proceed with Hearing: Yes/No if no give reasons:

.....
.....

(i) If Yes, outcome of hearing (Please explain decision, write overleaf if necessary)

.....
.....
.....

Signed:

Aggrieved:

.....

Hearing Committee Chairperson

Witness:.....

Workers' Representative

CHIREZI RURAL DISTRICT COUNCIL – CODE OF CONDUCT

APPENDIX 111

NOTICE OF WRITTEN WARNING OR FINAL WARNING

TO:.....


Following the disciplinary hearing on the
..... **At which you were present, this serves to**
confirm the decision taken at that hearing that you were found guilty of the offence
of :
.....

This written warning/final written warning (delete the inappropriate) confirms the penalty charge by the disciplinary committee for the minor/serious/very serious/gross offence for which you were found guilty of:

The nature of the unsatisfactory conduct/performance was:

.....

.....



.....

.....

The period within which improvement is required is

.....

.....

The likely consequence of further misconduct or insufficient improvement is:

Final Written Warning/Dismissal. (delete inappropriate)

You have the right to appeal against the decision in writing to

.....

.....

.....

within..... working days of the date of this notice.

Signed:..... Date:.....

Designation:.....

CHIREZI RURAL DISTRICT COUNCIL – CODE OF CONDUCT

APPENDIX 1V

NOTICE OF DISCIPLINARY HEARING FORM

Approved and adopted by HR Committee and Full Council 2013

TO:.....

This is to inform you that you are required to attend a disciplinary hearing on

.....

.....to be held

at.....am/pm

at.....(venue).

The charges against you, which you will be required to answer is/are

that.....

.....

.....

.....

.....

You are entitled, if you wish, to be accompanied by a representative, Legal or otherwise.

Signed:.....

Date:.....

Designation:

CHIREZI RURAL DISTRICT COUNCIL – CODE OF CONDUCT

APPENDIX V

DISCIPLINARY PROCEDURE HEARING FORM

PART A

DETAILS OF HEARING

HEARING COMMITTEE FOLLOWS THE HEARING PROCEDURE

- 1. Complainant to state his/her case**
- 2. Alleged offender and his/her representative given the opportunity to cross-examine complainant regarding his statement.**
- 3. Alleged offender to state hi/her case.**
- 4. Complainant to cross examine the alleged offender**
- 5. Witness (es) for complainant to be called in individually and alleged offender and his representative permitted to cross-examine them.**
- 6. Witness (es) for the alleged offender to be called in individually and complainant permitted to cross-examine.**

QUESTIONS ASKED BY HEARING OFFICER

.....

.....

QUESTIONS ASKED BY THE REPRESENTATIVE

.....

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.....
.....

PART B

HEARING OFFICER'S FINDINGS

GUILTY	
NOT GUILTY	

Mark with an X



CHIREDDZI RURAL DISTRICT COUNCIL – CODE OF CONDUCT

PART C

PREVIOUS ENDORSEMENTS

Approved and adopted by HR Committee and Full Council 2013

Hearing Officer calls for previous endorsements presently in file

DATE	MISCONDUCT	DISCIPLINARY ACTION TAKEN

Offender's Signature:.....Human Resources Officer's

Signature:.....

PART D

MITIGATION FACTORS

Hearing committee decides on appropriate penalty, on basis of evidence gathered, including noted on mitigation and aggravating factors:

.....

.....

Reasons for action taken:

.....

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.....

Hearing Committee Chairman:.....Two Witnesses (1)

.....

(should offender refuse to sign)

Complainant (2)

.....

Offender.....

Representative.....

PART E

APPEAL

I have informed the offender of his/her right to appeal to the appeals committee in terms of the Chiredzi Rural District Council employment Code of Conduct.

Hearing Committee Chairman

Signature

Date

I, the undersigned, accept the disciplinary action issued/appeal to the appeals committee (Delete inapplicable).

Name

Signature

Date

CHIREZI RURAL DISTRICT COUNCIL – CODE OF CONDUCT

APPENDIX VI

NOTICE OF HEARING OF APPEAL

TO:.....

**Following our notice of the.....against
the decisions of the disciplinary committee confirmed to you that our appeal will be
heard by**

.....on the.....at

.....(venue).

You have the right to appear at a hearing of the appeal alone or accompanied by a representative, legal or otherwise. You will have the right to appeal against the decision

Of..... to.....

Signed..... Date.....

Designation.....



CHIREDCI RURAL DISTRICT COUNCIL – CODE OF CONDUCT

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APPENDIX VII

NOTICE OF APPEAL TO THE APPEALS COMMITTEE

Date.....

Signed.....**(Appellant)**

.....**(Workers'**
representative)

.....**(Previous** **Hearing**
Committee)

10. Settlement accepted

a) Aggrieved: Yes/No.....

Signature

b) Workers Representative: Yes/No.....

Signature

c) Appeal to be made: Yes/No

Signature

NB: Appeal to be on a memorandum to the Labour Court through the Chairman of the Appeals committee.

NOTICE OF APPEAL TO THE LABOUR COURT

Date.....

Signed.....(Appellant)

.....(Worker's representative)

.....(Appeals Committee Chairman)

CHIREDDZI RURAL DISTRICT COUNCIL – CODE OF CONDUCT

APPENDIX VIII

NOTIFICATION OF THE RESULT OF APPEAL

TO:

.....

Following the hearing of your appeal of the

.....

This notice serves to revoke/confirm (delete the inappropriate) decision taken at the

hearing that you be given a warning/final warning/be dismissed.

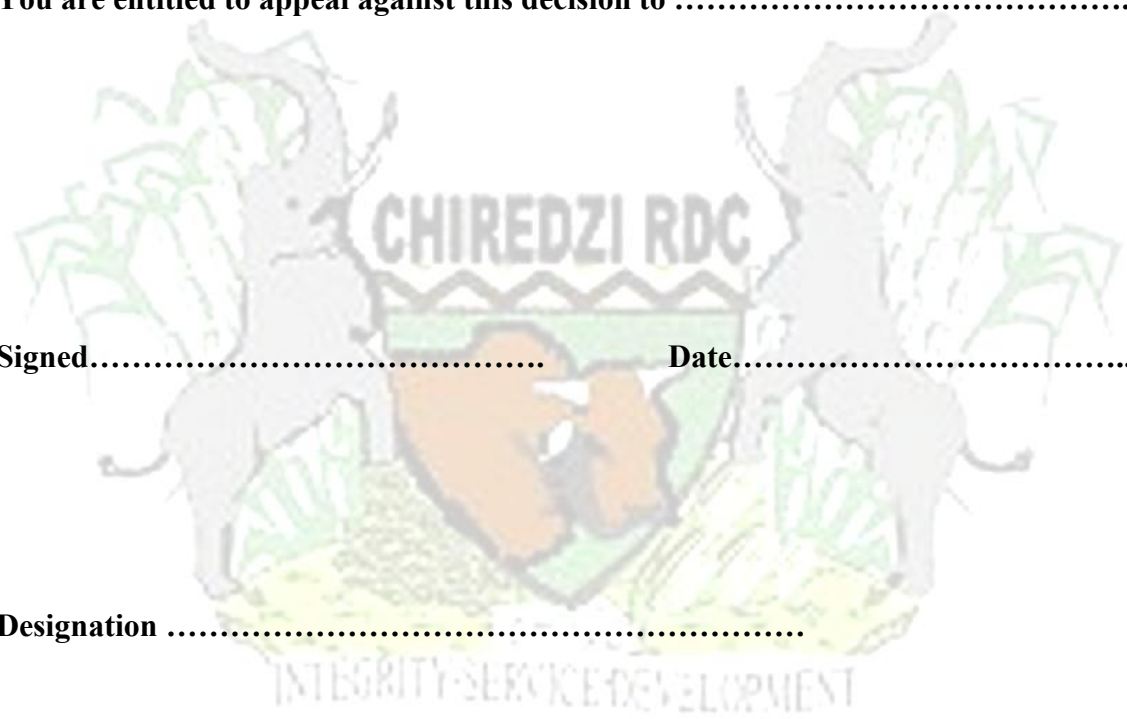
Accordingly you are required to resume work immediately/you are dismissed from the

service of Council with effect from.....

You are entitled to appeal against this decision to

Signed..... Date.....

Designation



CHIREZI RURAL DISTRICT COUNCIL – CODE OF CONDUCT

APPENDIX IX

NOTICE OF SUSPENSION

TO:.....

You are hereby suspended from work, with approval of

..... with effect from.....

.....until further notice.

The reason(s) for suspension is/are

1.

2.

3.

During the period of the suspension, you will/will not be entitled to your full pay and benefits. Please note, however, that you will not be allowed to involve yourself with any activities of the Council, either directly without the prior written authority of the Chief Executive Officer.

Signed:.....

Date:.....

Designation:.....

CHIREDDZI RURAL DISTRICT COUNCIL – CODE OF CONDUCT

APPENDIX X

CONFIRMATION OF DISMISSAL (FOLLOWING PREVIOUS WARNINGS)

TO:.....

On the day..... you were

Notified in writing on the final decision following a disciplinary hearing held on

..... In the same notice, you were

advised that if your conduct/performance did not improve, you are likely to face dismissal.

At the disciplinary hearing held on the

You were again found guilty of misconduct and the penalty of dismissal was charged upon you.

This notice served to confirm that the disciplinary committee's decision is that you be dismissed.

Accordingly, you last day of service with Council is

The reasons for dismissal are.....

.....
.....
.....
.....

you have the right to appeal against this decision in writing to

.....

..... **Within** working days of the date of this

notice.

Signed.....

Date.....

Designation.....

Approved and adopted by HR Committee and Full Council 2013

CHIREDDZI RURAL DISTRICT COUNCIL – CODE OF CONDUCT

APPENDIX XI

CONFIRMATION OF DISMISSAL (WITHOUT PREVIOUS WARNINGS)

TO:.....

This notice serves to confirm the decision taken by the disciplinary committee at the hearing held on.....that you be dismissed following being found guilty. The reasons of your dismissal are.....

.....
.....
.....

You have the right to appeal against this decision in writing to

.....

Withinworking days of the date of this notice.

Signed.....

Date.....

Designation.....

Approved and adopted by HR Committee and Full Council 2013

POLICY AREA NUMBER SIX

8. COMPENSATION [REWARD MANAGEMENT] POLICY

AIMS

- Attraction and retention of qualified and competent staff.
- To control payroll costs.
- To associate pay with increased and improved performance.
- To promote values that enables the local authority to achieve its vision and mission.

PROCEDURE

- All officers and employees shall be paid according to grades in which they are employed and in terms of the schedule of grades and scales, which result from a bargaining agreement from year to year.
- No employee or officer shall move from one grade to another without the approval of the Staffing Committee.
- No officer or employee shall break the ceiling of his grade except with the approval of the Staffing Committee.
- While annual increments shall be on the date of the engagement/employment anniversary, the Human Resources Officer, through HODs and CEO recommendations may approve faster increments within the same grade.
- Recommendations for faster increments shall be based on satisfactory performance by the employee or officer concerned and performance appraisals for

one year relating to the employee or officer concerned, shall be tabled before Staffing Committee which shall approve such faster increments.

- The Local Authority shall award retention and other critical areas allowance to officers and employees with skills and competencies that the Council wishes to secure and retain.
- All awards for increments, salary and allowances shall be provided for in the annual budgets of the local authority for them to be effected and when they are not, supplementary budgets must provide for them. In the absence of such provisions no awards shall be affected.
- Non-monetary compensation shall be considered for employees and officers with outstanding performance through the recommendation of HODs or CEO to the Staffing Committee.
- Council shall consider rewarding long service (councillors for ten years, grade 10-11 for five years and grades 1-9 for ten years continuous service) in terms of package or other material things depending on service term accomplished.
- Terminal benefits for employees and officers shall include gratuity to the employees in grades 1-9 who will have served for a minimum of ten years and grades 10-11 who will have served for a minimum of four years at a percentage of 20% for both.
- Councillors shall get long service awards/exit packages that shall be in the form of a shield with a Council Log and cash equivalent to one-year current councillor's monthly allowances for every 10 years served.
- An employee who reaches retirement age shall receive a cattle drawn plough or a wheelbarrow or cycle, or scotch cart depending on choice, in addition to gratuity.

GRATUITY CALCULATIONS

Current basic salary x percentage rate x number of years served

POLICY AREA NUMBER SEVEN

9. FUNERAL POLICY.

- Chiredzi Rural District Council values the welfare of its employees. It is from this attempt that our employees should be well catered for in time bereavement of their immediate families.
- This Funeral policy seeks to benefit Chiredzi Rural District Council. Chiredzi Rural District Council shall commit itself in providing financial assistance for funeral assistance in the following manner:
- Grades 9 shall receive \$200.00, grade 10 shall receive \$300.00 and grade 11 shall receive \$400.00, on his/her death and on the death of their spouse, biological children from the age of 0-18years and upto 25years if he/she is still in school, parents and parents in-law.
- Grades 1 to 8, an employee shall receive \$150-00 upon his/her death and on the death of their spouse, biological children from the age of 0-18years and upto 25years if he/she is still in school, parents and parents in-law.
- Chiredzi Rural District Council values the welfare of its Councillors. It is from this endeavour that Chiredzi Rural District Council need to provide financial funeral assistance to its Councillors only.

- Council Chairman shall receive \$400, Vice chairman shall receive \$300 and Committee Chairpersons shall receive \$200, upon his/her death.
- For other Councillors who are not Chairpersons, Council shall provide \$150-00 upon his/her death.
- Chiredzi Rural District Council shall provide a coffin on the deaths of its employees and Councillors.
- Chiredzi Rural District Council shall provide a diamond type of coffin to grades 9 10 and 11 or equivalent amount if an employee has a funeral cover.
- A gold type of coffin shall be provided to Council employees in grades 1 to 8 diamond coffin or equivalent amount if an employee has a funeral cover.
- A diamond type of coffin shall be provided to Council Chairman, Vice Chairman and Committee Chair persons or equivalent amount if an employee has a funeral cover.
- A gold type of coffin shall be provided to the other Councillors or equivalent amount if an employee has a funeral cover.

POLICY AREA NUMBER EIGHTY

10. MEDICAL AID

All full time council employees shall be eligible for medical aid. Council shall contribute 50% and the employee contributes 50% for grades 1-10 and for grade 11, Council shall contribute 75% and the employee contributes 25%.

PREPARED BY:

THE STAFFING OFFICER

**CHIREZI RURAL DISTRICT COUNCIL: HUMAN RESOURCES AND
ADMINISTRATION DEPARTMENT (2011)**

**NB: THE POLICIES ARE SUBJECT TO CHANGE AT THE DISCRETION OF
MANAGEMENT AND THE INTERPRETATION OF THIS POLICY REST WITH
THE CHIEF EXECUTIVE OFFICER.**