

**SOUTH AFRICAN LOCAL GOVERNMENT BARGAINING COUNCIL COLLECTIVE AGREEMENTS**

**South African Local Government Bargaining Council: Organisational rights agreement (26 April 2005)**

<b>Clause</b>	<b>Power conferred</b>	<b>Delegating authority</b>	<b>Delegated body</b>	<b>Conditions, limitations and directions</b>	<b>Sub-delegate</b>
6	Granting permission to trade union office-bearers and officials to access the workplace to conduct union business during working hours	Council	Municipal Manager	After consultation with the managers directly accountable to the Municipal Manager	N
7.1	Deducting union subscription fees and fees for union-initiated schemes in respect of employees that supplied it with written authorisation	Council	Chief Financial Officer		N
7.5	Remission of amounts collected in terms of par 7.1 of the ORA	Council	Chief Financial Officer		N
7.7	Deciding to apply to the SALGBC (North West Division) to exempt the Municipality from submitting the information in respect of deductions in terms of par 7.1 of the ORA to the relevant trade union in hard copy format	Council	Municipal Manager	If the Municipality is unable to provide the information in electronic format	N
8.4.3	Convening a meeting with a trade union who notified the Municipality of its wish to define constituencies	Council	Municipal Manager	After consultation with the Director Corporate Governance	N
8.4.3	Entering into an agreement with a trade union with regard to the number of constituencies and shop stewards	Council	Municipal Manager	After consultation with the Director Corporate Governance	N
8.5.2	Granting access to a trade union to explain the role of shop stewards, receive nominations and conduct elections	Council	Municipal Manager	After consultation with the managers directly accountable to the Municipal Manager	N
8.7.2	Granting permission to hold shop stewards committee meetings	Council	Municipal Manager		N
8.7.4	Determining the possibility of supplying an office with suitable facilities to shop stewards	Council	Municipal Manager	[See also, par 9.8 of the ORA]	N
8.8.1	Granting applications of shop stewards for leave of absence for trade union activities and training	Council	Departmental head concerned	After ascertaining whether the applicant has leave available	N

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8.8.3	Considering requests for further time off from shop stewards over and above agreed leave for union activities and training	Council	Departmental head concerned	Within a policy framework established by the Council	N
9.5.3	Notifying the relevant trade union on any non-compliance by a full-time shop steward with the terms of the ORA	Council	Director Corporate Governance		N
9.5.4	Deciding not to recognise a full-time shop steward for failure by the relevant trade union to take disciplinary action	Council	Municipal Manager		N
9.5.5	Notifying a trade union that its membership has declined to less than 1000 members	Council	Director Corporate Governance		N
	Suspending the right of a trade union to a full-time shop steward	Council	Municipal Manager		N
9.8.1	Making an office available to a full-time shop steward	Council	Director Corporate Governance		N
9.8.2	Agreeing with the relevant trade union on a budget for the operation of an office for a full-time shop steward	Council	Director Corporate Governance		N
9.9.1	Designating a person to whom a full-time shop steward must report for administrative purposes	Council	Municipal Manager		N
12.1.1	Establishing a local labour forum	Council	Municipal Manager		N
12.1.3	Designating/appointing the Municipality's representatives in the local labour forum	Council	Executive Mayor		N
12.1.4	Notifying the trade unions that SALGA officials will attend a local labour forum meeting	Council	Director Corporate Governance		N
12.3.3	Designating one of the employer representatives in the local labour forum as delegation leader	Council	Executive Mayor		N
12.3.4	Agreeing with trade unions on a date for meetings of the local labour	Council	Chairperson and Deputy Chairperson		N

<b>Clause</b>	<b>Power conferred</b>	<b>Delegating authority</b>	<b>Delegated body</b>	<b>Conditions, limitations and directions</b>	<b>Sub-delegate</b>
	forum		of the LLF		
12.3.5	Compiling the agenda for a meeting of the local labour forum	Council	Director Corporate Governance	Jointly with the other parties in the forum	N
12.3.6	Calling a special meeting of the local labour forum for reasons of urgency	Council	Municipal Manager	After consultation with the delegation leader designated in terms of par 12.3.3 of the ORA	N
12.6	Informing the SALGBC (North West Division) on quarterly basis of the number and nature of sub-committees of the local labour forum	Council	Director Corporate Governance		N
14.1	Deciding to refer a dispute about the interpretation of the ORA to the Central Council of the SALGBC	Council	Municipal Manager		N
15.1	Deciding to apply for exemption from the ORA	Council	None		N
15.4	Deciding to appeal a decision of the Executive Committee of the Central Council of the SALGBC with regard to an application for exemption	Council	None		N

**South African Local Government Bargaining Council: Main Collective Agreement**

<b>Clause</b>	<b>Power conferred</b>	<b>Delegating authority</b>	<b>Delegated body</b>	<b>Conditions, limitations and directions</b>	<b>Sub-delegate</b>
B1.1	Extending the homeowner's allowance to all employees, subject to the requirements of the scheme	Council	Director Corporate Governance		N
B1.2	Determining an employee who is dismissed due to the Municipality's operational requirements' severance pay	Council	Chief Financial Officer	After consultation with the Director Corporate Governance	N
B2.2	Applying to the North West Division of the SALGBC to determine working hours for senior management, security personnel and employees working less than 24 hours per week	Council	Director Corporate Governance		N
B2.3	Determining the working hours of employees working a half day	Council	Municipal Manager		N
	Determining the remuneration of employees working a half day	Council	Chief Financial Officer	After consultation with the Director Corporate Governance	N
B2.4	Determining the working hours of part-time employees, including casual, seasonal and temporary employees	Council	Municipal Manager		N
	Determining the remuneration of part-time employees, including casual, seasonal and temporary employees	Council	Chief Financial Officer	After consultation with the Director Corporate Governance	N
B3.1.1	Granting annual leave to an employee	Council	Departmental head		N
B3.1.3	Ensuring that no employee accrue more than 48 days of annual leave	Council	Director Corporate Governance	Any annual leave exceeding 48 days – (a) may be encashed if the Municipality refused an employee's application for leave due to its operational requirements (b) shall be forfeited without compensation if an	N

Clause	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions	Sub-delegate
				employee, having been afforded the opportunity to take leave fails to do so	
B3.1.7	Deciding, on termination of an employee's service, to pay annual leave to the credit of that employee exceeding 48 days	Council	Municipal Manager		N
B3.2.2	Ensuring that an employee submit a medical certificate issued by a medical practitioner if that employee takes more than two consecutive days sick leave	Council	Departmental head		N
B3.2.3	Deciding not to pay an employee who has been absent on sick leave on more than two occasions during an eight week period who does not submit a medical certificate when requested to do so	Council	Municipal Manager		N
B3.3.2	Deciding whether an employee qualifies for paid maternity leave	Council	Director Corporate Governance		N
B3.4.1	Deciding whether an employee qualifies for family responsibility leave	Council	Director Corporate Governance		N
B3.4.2	Granting an application for family responsibility leave	Council	Departmental head		N
B4.1.1.2	Determining and making employer contributions to an accredited medical scheme of which an employee is a member	Council	Chief Financial Officer	See clause 4.1.2 of the collective agreement	N
B4.1.1.4	Recording the choice of an employee received before 1 January each year with regard to her/his medical scheme	Council	Director Corporate Governance	See clauses 7.3.4 to 7.3.6, inclusive, of the collective agreement	N
C2.2.1	Granting permission to office-bearers and officials of IMATU and SAMWU to access the Municipality's premises during working hours for conducting bona fide union business	Council	Municipal Manager		N

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C2.3.1	Deducting union subscriptions/levies from union members' in respect of whom the Municipality has a written authority to do so, pay	Council	Chief Financial Officer		N
C2.3.2	Receiving written revocations from employees to stop deducting union subscriptions/levies from their pay	Council	Chief Financial Officer		N
C2.3.3	Receiving written notification from a trade union regarding any change in its union subscriptions/levies	Council	Chief Financial Officer	Effect shall be given to any such change within 6 weeks	N
C2.3.5	Remitting the amount deducted during a month to the office of the trade union concerned or depositing it into its bank account on/before the 7 <sup>th</sup> of the month following the month in respect of which the deduction was made	Council	Chief Financial Officer	Where the money is to be deposited into the Union's bank account by EFT, the Municipality has the right to demand, at the cost of the Union concerned, written confirmation from the relevant bank that the account of which details were provided is actually an official account of the Union concerned	N
C2.3.6	Remitting, in electronic format and simultaneous with the amount collected, a subscription schedule to the Union concerned	Council	Chief Financial Officer	The employer may, if it cannot supply a subscription schedule electronically to the Union, apply in the North West Division of the SALGBC for exemption from the requirement	N
C2.3.8	Deducting money for a trade union initiated scheme from employee's salaries and pay the amount collected to the Union concerned or the scheme	Council	Chief Financial Officer		N
C2.4.4.2	Receiving notice from a trade union that it wishes to exercise its rights to define constituencies	Council	Municipal Manager		N
C2.4.4.3	Meeting with, and reaching agreement on, the number of constituencies and shop stewards to be allocated to the Union	Council	Municipal Manager	1. Such meeting must be held within 15 days of receipt of the notification 2. Agreement on the	N

Clause	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions	Sub-delegate
				delimitation and demarcation of the constituencies must be reached within 30 days of the date of receiving the notification	
C2.4.4.4	Referring a deadlock regarding the delimitation and demarcation of constituencies to the North West Division of the SALGBC	Council	Director Corporate Governance		N
C2.4.5.1	Granting access to the Union concerned to the Municipality's premises during working hours to conduct elections for shop stewards	Council	Municipal Manager	<ol style="list-style-type: none"> <li>1. Three hours must be granted per constituencies, immediately prior to lunch time or knocking-off time</li> <li>2. Provided that the Union concerned inform the Municipality, in writing at least 7 days in advance of the proposed venue, date and time of elections meetings</li> </ol>	N
C2.4.5.3	Receiving and granting written applications from a Union to hold elections meetings	Council	Municipal Manager		N
C2.4.5.5	Receiving written notice from the Union regarding the full names, departmental locations and constituencies of shop stewards	Council	Director Corporate Governance		N
C2.4.5.6.1	Withdrawing the Municipality's recognition of a shop steward	Council	Municipal Manager	When a shop steward's elected term has expired	N
C2.4.6.2	Granting permission to a (part-time) shop steward to leave her/his workplace in order to carry out her/his duties as shop steward	Council	Supervisor	Such permission may not be unreasonably withheld	N
C2.4.7.1	Granting permission to a shop steward to hold a meeting with her/his constituency once per month	Council	Municipal Manager	Such a meeting may not exceed two hours per month	N
C2.4.7.2	Granting permission to shop stewards to hold four general	Council	Municipal Manager		N



Clause	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions	Sub-delegate
	meetings with members per year during working hours, prior to lunch or knocking-off time				
	Considering a request by shop stewards for additional members meetings/time for members meetings	Council	Municipal Manager		N
C2.4.7.3	Granting permission to a shop stewards committee to meet for two hours per month during working hours	Council	Municipal Manager		N
C2.4.7.4	Making an office available for shop stewards	Council	Municipal Manager		N
	Determining the facilities that shall be suitable to be made available in a shop stewards' office	Council	Municipal Manager		N
C2.4.7.5	Granting access to a Union to post and display notices on notice boards in each department or service unit	Council	Municipal Manager		N
	Receiving a copy of a notice a Union intends posting and displaying on a notice board	Council	Director Corporate Governance		N
C2.4.8.1	Granting applications of shop stewards for leave for trade union activities	Council	Director Corporate Governance		N
C2.4.8.3	Granting applications of shop stewards for additional time off for trade union activities	Council	Municipal Manager		N
C2.5.3	Collecting from other municipalities within district or another area determined in terms of clause 2.5.2.3 the proportional remuneration of a full-time shop steward for the district/area who is an employee of the Municipality	Council	Chief Financial Officer		N
C2.5.5.3	Notifying the Union concerned of any breach of the Agreement by a full-time shop steward	Council	Director Corporate Governance		N

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C2.5.5.4	Withdrawing the recognition of a full-time shop steward due to failure of the Union concerned to institute disciplinary action against her/him for breaching the Agreement	Council	Municipal Manager		
C2.5.5.5	Notifying the Union concerned that its membership has decline to less than 1,000 members	Council	Director Corporate Governance		N
	Suspending a Union's right to a full-time shop steward if it fails to increase its membership to 1,000 or more within 60 days of having been notified that it has declined to less than 1,000	Council	Municipal Manager		N
C2.5.5.6	Receiving a notice from a Union that its membership at the Municipality or within the district has reached 1,000 or a multiple thereof	Council	Municipal Manager		N
C2.5.7.4	Permitting a full-time shop steward to attend such training and development programmes as relates to her/his substantive position	Council	Municipal Manager		N
C2.5.8.1	Making an office and furnishings available to full-time shop stewards	Council	Municipal Manager		N
C2.5.8.2	Receiving and considering a request to supply a full-time shop steward with reasonable telephone, fax, filing and copying facilities	Council	Municipal Manager		N
	Agreeing with the Union(s) concerned regarding the sharing of the cost of telephone, fax, filing and copying facilities	Council	Municipal Manager		N
C2.5.9.1	Designating a manager to whom full-time shop stewards must report for administrative purposes	Council	Municipal Manager		N
C2.6.1	Granting additional time-off during working hours on full pay to employees who are national office-	Council	Municipal Manager		N

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	bearers of trade unions				
C2.6.5 C2.6.6 C2.6.7	Granting 20 working days additional time-off to national office-bearers of a Union	Council	Municipal Manager		N
C2.6.9	Granting additional time-off on full pay for provincial/regional Union office -bearers	Council	Municipal Manager		N
C2.6.10	Granting additional time-off with full pay for branch/sub-region Union office-bearers	Council	Municipal Manager		N
C2.8.11	Establishing a local labour forum for the Municipality	Council	None		N
C2.8.1.3	Determining the Municipality's representatives in the local labour forum	Council	None		N
C2.8.1.4	Receiving notice from the Unions of Union officials or office-bearers attending a local labour forum meeting	Council	Director Corporate Governance		N
	Notifying the Unions that up to two SALGA representatives may attend a local labour forum meeting	Council	Director Corporate Governance		N
C2.8.2.2	Referring a dispute in the local labour forum as to what matters are for consultation and whether a process constitutes sufficient consultation to the SALGBC (North West Division)	Council	Director Corporate Governance		N
C2.8.3.3	Appointing the Municipality's delegation to the local labour forum delegation leader	Council	None		N
C2.8.3.4	Concluding an agreement with the Unions that a monthly local labour forum not take place	Council	Director Corporate Governance		N
C2.8.3.5	Consulting with labour regarding the agenda for local labour forum meetings	Council	Director Corporate Governance		N
C2.8.3.6	Deciding to convene a special	Council	Municipal Manager		N

Clause	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions	Sub-delegate
	meeting of the local labour forum for reasons of urgency				
C2.8.4.1	Concluding an agreement with the Unions to invite up to two technical advisers to attend a meeting of sub-committee of the Local Labour Forum	Council	Director Corporate Governance		N
C2.8.4.2 C2.8.4.3	Deciding whether the local labour forum should have sub-committees for preparatory consultation and mandating the Municipality's deputation accordingly	Council	Municipal Manager		N
C2.8.4.4	Reporting the number and nature of sub-committees of the local labour forum quarterly to the SALGBC (North West Division)	Council	Director Corporate Governance		N
C3.1	Deducting the agency shop levy as determined in the Agreement from employees' pay who are eligible but are not members of either Union	Council	Chief Financial Officer	See clause 3.4 of the agreement	N
C3.2	Depositing the agency shop levies deducted during a month into a separate bank account of the SALGBC before the 7 <sup>th</sup> of the month following the month during which it was deducted	Council	Chief Financial Officer	The Municipality has the right to demand, at the cost of the SALGBC, written confirmation from the relevant bank that the account of which details were provided is actually an official account of the SALGBC	N
C3.3	Remitting the prescribed schedule of payments and proof of payment to the SALGBC	Council	Chief Financial Officer		N
C4.1.1	Negotiating and concluding a collective agreement on minimum services levels within essential services in the local labour forum	Council	Municipal Manager		N
C4.1.2	Determining that a service(s) which was not designated as an essential services has become an essential service during the course of strike	Council	Municipal Manager		N

Clause	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions	Sub-delegate
	affecting the operations of the Municipality				
	Giving written notice to the Unions to meet within 24 hours of the time of issuing the notice to attempt to reach agreement on the Municipality's contention that the service(s) in question is indeed an essential service and, if so, what minimum level of services is required	Council	Municipal Manager		N
C4.1.3	If agreement cannot be reached regarding whether a service has become an essential service or the level of minimum service required, referring the matter to the Essential Services Committee established in terms of section 70 of the Labour Relations Act	Council	Director Corporate Governance		N
C4.2.2	Deciding to take on replacement/ additional labour in respect of any services not classified as essential services	Council	Municipal Manager		N
C5.2.1	Deciding whether exceptional circumstances prohibited an aggrieved employee to lodge a grievance within 10 days from the time the employee first became aware of the matter which gave rise to the grievance	Council	Supervisor		N
C5.3.1	Deciding whether to consider and attempt to resolve an "appeal" against the resolution of a grievance by an aggrieved employee's supervisor received out of time	Council	Departmental head		N
C5.2.3	Resolving a grievance referred to her/him and informing the aggrieved employee(s) of the outcome thereof	Council	Departmental head		N
C5.3.2	Convening a meeting of the affected	Departmental head	None		N

Clause	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions	Sub-delegate
	parties in a grievance and attempt to achieve a resolution				
C5.3.3	Informing the aggrieved employee of the outcome of her/his grievance	Departmental head	None		N
C5.4.1	Referring a grievance that has not been resolved satisfactorily by a departmental head in writing to the Municipal Manager	Council	Departmental head		N
	Conducting an enquiry into a grievance, which shall be attended by the aggrieved employee, her/his representative and any other persons who, in the opinion of the Municipal Manager, should attend	Council	Municipal Manager		N
C5.4.2	Deciding a grievance	Council	Municipal Manager		N
C5.4.3	Informing an aggrieved employee in writing of the outcome of a grievance hearing	Council	Municipal Manager		N
C5.4.4	Deciding to resolve a grievance against the Municipal Manager or to engage the services of a senior manager of another municipality to resolve such grievance	Speaker	None		N
C6.1	Determining the amount of the bargaining council levy to deducted from employees' pay	Council	Chief Financial Officer	See clause 6.4	N
	Deducting the bargaining council levy from an employee's pay	Council	Chief Financial Officer		N
C6.2	Paying the bargaining council levy (including the Municipality's contribution) over to the SALGBC	Council	Chief Financial Officer	The Municipality has the right to demand, at the cost of the SALGBC, written confirmation from the relevant bank that the account of which details were provided is actually an official account of the SALGBC	N
C6.3	Remitting the prescribed remittance form to the SALGBC	Council	Chief Financial Officer		N
C7.4.4	Informing employees and pensioner	Council	Director Corporate		N

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	members of accredited medical schemes operating at the Municipality		Governance		
D1.1 D1.2	Furnishing the information prescribed in Annexure D to the Agreement to the SALGBC	Council	Director Corporate Governance		N
D2.1	Signing of documents relating to conciliation and arbitration proceedings before the SALGBC	Council	Municipal Manager		N
D2.5	Serving documents relating to conciliation and arbitration proceedings before the SALGBC on the parties joined in the proceedings	Council	Director Corporate Governance		N
D2.6	Supplying proof of service of documents relating to conciliation and arbitration proceedings before the SALGBC to the SALGBC or an arbitrator	Council	Director Corporate Governance		N
D2.9	Applying for condonation for the late delivery/submission of referral documents or applications	Council	Municipal Manager		N
D2.10	Deciding to refer a dispute to the SALGBC for conciliation	Council	Municipal Manager		N
	Preparing and delivering the documentation relating to the dispute prescribed in the Agreement	Council	Director Corporate Governance		N
D2.11	Receiving a notice of the SALGBC of a conciliation hearing	Council	Director Corporate Governance		N
D2.13.1	Authorising/designating a person to represent the Municipality during conciliation proceedings	Council	Municipal Manager	Clause 2.25.1 of the Agreement determines that the Municipality may be represented by an employee and/or a member, office-bearer or official of SALGA	N
D2.16.1	Negotiating and concluding an agreement with the opposing party in conciliation proceedings to refer to or disclose anything said during conciliation proceedings	Council	Municipal Manager		N

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D2.16.2	Negotiating and concluding an agreement in writing between all the parties to call an arbitrator or an employee of the SALGBC as witness in any proceedings succeeding conciliation proceedings	Council	Municipal Manager		N
D2.17.1	Receiving notice of the SALGBC that a matter involving the Municipality has been scheduled for "con-arb" in terms of s 191(5A) of the Labour Relations Act	Council	Director Corporate Governance		N
D2.17.2	Deciding to object to a dispute being dealt with in terms of s 191(5A) of the Labour Relations Act	Council	Municipal Manager	Subject to clause 2.17.3 of the collective agreement	N
	Notifying the SALGBC that the Municipality objects to a dispute being dealt with in terms of s 191(5A) of the Labour Relations Act	Council	Director Corporate Governance		N
D2.17.6	Designating an employee(s) of the Municipality to appear in any con-arb proceedings in terms of s 191(5A) of the Labour Relations Act and/or a legal representative or any member, office-bearer or official of SALGA	Council	Municipal Manager		N
D2.18.1	Deciding to refer a dispute to the SALGBC for arbitration	Council	Municipal Manager		N
	Preparing and delivering the documentation relating to the dispute prescribed in the Agreement	Council	Director Corporate Governance		N
D2.18.5	Negotiating and entering into an agreement to postpone the commence of a arbitration proceedings involving the Municipality beyond 30 days of filing the prescribed documentation	Council	Municipal Manager		N
D2.19.1	Preparing and submitting a statement of case (if the Municipality is the referring party in a matter to	Council	Director Corporate Governance		N



Clause	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions	Sub-delegate
	be arbitrated by the SALGBC) or an answering statement at the direction of the arbitrator				
D2.20.1	Inviting or accepting an invitation, as the case may be, to attend a pre-arbitration meeting with the opposing party/ies	Council	Municipal Manager		N
D2.20.2	Negotiating and concluding one or more agreements with the other party/ies in a pre-arbitration meeting on any matter listed in clause 2.20.2 of the Agreement	Council	Municipal Manager		N
D2.20.3	Signing the minutes of a pre-arbitration meeting on behalf of the Municipality	Council	Municipal Manager		N
D2.20.5	If the Municipality has referred to dispute for arbitration, submitting the signed minutes of the pre-arbitration meeting to the arbitrator	Council	Director Corporate Governance		N
D2.21	Agreeing to a period shorter than 20 days to commence with an arbitration hearing	Council	Municipal Manager		N
D2.23.1(a) D2.23.2	Negotiating and agreeing with the other party in arbitration proceedings involving the Municipality to postpone the proceedings	Council	Municipal Manager		N
D2.23.1(b) D2.23.3	Applying to the SALGBC to postpone arbitration proceedings involving the Municipality	Council	Municipal Manager		N
D2.25.2	Authorising/designating a person to represent the Municipality during arbitration proceedings	Council	Municipal Manager	Clause 2.25.2(a) of the Agreement determines that the Municipality may be represented by a legal practitioner, an employee of the Municipality and/or any member, office-bearer or official of SALGA. However, if the dispute being arbitrated is about the fairness of	N

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				a dismissal and a party has alleged that the reasons for the dismissal relates to the employee's conduct or capacity, the parties are not entitled to representation by a legal practitioner unless the commissioner – (a) and all the parties agreed thereto; (b) concludes that it is unreasonable to expect a party to deal with the dispute without legal representation	
D2.25.3	Objecting to the representation of another party in arbitration proceedings	Council	Municipal Manager		N
D2.26.3	Applying to the arbitrator to join another another person(s) as party/ies to arbitration proceedings	Council	Municipal Manager		N
D2.27	Submitting an application to correct the particulars of any party in arbitration proceedings who has been incorrectly or defectively cited	Council	Director Corporate Governance		N
D2.28	Applying to an arbitrator to consolidate two or more disputes so that they may be dealt with as one	Council	Municipal Manager		N
D2.29.1	Concluding an agreement with the other party/ies in arbitration proceedings regarding the disclosure of documents	Council	Municipal Manager		N
D2.29.2	Requesting the arbitrator to make an order as to the disclosure of relevant documents during arbitration proceedings	Council	Municipal Manager		N
D2.30.3	Receiving a notice that a dispute has been dismissed for non-attendance	Council	Director Corporate Governance		N

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	by a party to arbitration proceedings				
D2.31.2	Receiving/giving notice of an application to all the parties who have an interest within 10 days of a notice concerning conciliation or arbitration proceedings being issued	Council	Director Corporate Governance		N
D2.31.4	Deposing an (founding) affidavit regarding the subject matter in respect of which an application is brought	Council	Municipal Manager		N
D2.31.5	Deciding to oppose an application	Council	Municipal Manager		N
	Giving notice of opposition to the party who brought the application	Council	Director Corporate Governance		N
	Deposing an answering affidavit regarding the subject matter of a founding affidavit accompanying an application	Council	Municipal Manager		N
D2.31.6(a)	Receiving/deposing a replying affidavit	Council	Municipal Manager		N
D2.31.6(c)	Requesting the permission of the arbitrator to submit a written statement instead of an affidavit	Council	Municipal Manager		N
D2.31.7(b)	Receiving a notice of the date, time and venue of a hearing of an application	Council	Director Corporate Governance		N
D2.32.1	Deciding to apply for the variation or rescission of an arbitration award or ruling	Council	Municipal Manager		N
	Preparing and submitting an application for variation or rescission	Council	Municipal Manager		N
D2.33.1	Deciding to refer a dispute regarding the dismissal/alleged dismissal of an employee to the Labour Court	Council	Municipal Manager		N
	Preparing and submitting an application, stating the grounds for the intention to refer the dispute to the Labour Court	Council	Director Corporate Governance		N
D2.33.4	Deciding to object to an application	Council	Municipal Manager		N

<b>Clause</b>	<b>Power conferred</b>	<b>Delegating authority</b>	<b>Delegated body</b>	<b>Conditions, limitations and directions</b>	<b>Sub-delegate</b>
	to refer a dispute to the Labour Court				
	Preparing and submitting an objection against the intention to refer the dispute to the Labour Court stating the grounds for it	Council	Municipal Manager		N
D2.34.1	Deciding to request the SALGBC to conduct a pre-dismissal arbitration	Council	Municipal Manager		N
	Preparing and submitting an application for pre-dismissal arbitration of a matter	Council	Director Corporate Governance	Such an application must be accompanied by the prescribed fee	N
D2.34.4	Receiving notice of the SALGBC when and where a pre-dismissal arbitration shall be held	Council	Director Corporate Governance		N
D2.34.5	Agreeing with the other party (employee) to commence with a pre-dismissal arbitration before 10 days of notice of the date and venue has expired	Council	Municipal Manager		N
D2.35	Applying for condonation for failure to comply with the prescribed timeframes	Council	Municipal Manager		N
D2.36.3	Deciding to obtain a copy of a record of an arbitration proceeding	Council	Municipal Manager		N
D2.37.1	Filing an application to subpoena a person to appear in an arbitration proceeding	Council	Municipal Manager		N
D2.37.2	Applying to the SALGBC to waive the witness fees payable by the Municipality to any of its witnesses	Council	Director Corporate Governance		N
D2.37.5	Serving a subpoena issued by the SALGBC on the person named there-in	Council	Director Corporate Governance		N
D2.38.2	Paying the prescribed witness fees to any person subpoenaed to appear as a witness for the Municipality in arbitration proceedings	Council	Chief Financial Officer		N
D2.39.5	Applying for a taxing of a bill of costs	Council	Director Corporate		N

<b>Clause</b>	<b>Power conferred</b>	<b>Delegating authority</b>	<b>Delegated body</b>	<b>Conditions, limitations and directions</b>	<b>Sub-delegate</b>
	following an order as to cost made by an arbitrator		Governance		
D2.40.1	Applying to have an arbitration award certified	Council	Director Corporate Governance		N
D2.41.1	Applying, on behalf of the Municipality, for a postponement of conciliation or arbitration proceedings	Council	Director Corporate Governance		N
E1.1	Deciding to apply for exemption from a provision(s) of a collective agreement	Council	None		N
E1.2	Preparing and lodging an application for exemption	Council	Director Corporate Governance		N
E1.4	Preparing and submitting a response to an application for exemption from a provision of a collective agreement by a trade union and/or employee	Council	Municipal Manager		N
E1.5	Preparing and lodging a reply to a response to an application for exemption	Council	Municipal Manager		N
E2.2	Deciding to appeal against a decision of the national exemptions committee	Council	Municipal Manager		N
	Preparing and submitting a response to a notice of appeal against a decision of the national exemptions committee regarding an application for exemption	Council	Municipal Manager		N
	Preparing and lodging a reply to a response to an appeal against a decision of the national exemptions committee	Council	Municipal Manager		N
G1.1	Referring a dispute regarding the interpretation or enforcement of the agreement to the SALGBC	Council	Municipal Manager		N

**South African Local Government Bargaining Council: Disciplinary code collective agreement**

<b>Clause</b>	<b>Power conferred</b>	<b>Delegating authority</b>	<b>Delegated body</b>	<b>Conditions, directions and limitations</b>	<b>Sub-delegate</b>
5.4	Determining the sanction to be applied when an employee has been found guilty of misconduct	Disciplinary tribunal	None	Having regard to the seriousness of the offence and provided that the sanction is consistent with the provisions of the collective agreement	N
5.5	Publication of the Agreement and issuing thereof to all employees		Director Corporate Governance		N
6.1	Receiving a written accusation of misconduct	Municipal Manager	<p>Departmental head concerned</p> <p>In the case of a departmental head, the Municipal Manager</p> <p>In the case of the Municipal Manager, the Speaker</p>	Only if the Municipal Manager or manager directly accountable to the Municipal Manager's employment contract determines that the SALGBC Code applies	N
6.1	Authorising an investigation into the accusation to be conducted	Municipal Manager	<p>Departmental head concerned</p> <p>In the case of a departmental head, the Municipal Manager</p> <p>In the case of the Municipal Manager, the Speaker</p>	Only if the Municipal Manager or manager directly accountable to the Municipal Manager's employment contract determines that the SALGBC Code applies	N
6.1	Deciding to institute disciplinary proceedings after conducting an investigation	Municipal Manager	<p>Departmental head concerned</p> <p>In the case of the Municipal Manager and a manager directly accountable to the Municipal Manager, the</p>	Only if the Municipal Manager or manager directly accountable to the Municipal Manager's employment contract determines that the SALGBC Code applies	N

Clause	Power conferred	Delegating authority	Delegated body	Conditions, directions and limitations	Sub-delegate
			Council		
6.2	Deciding whether the alleged misconduct will result in a verbal or final written warning	Municipal Manager	Departmental head concerned  In the case of the Municipal Manager and a manager directly accountable to the Municipal Manager, the Council	Only if the Municipal Manager or manager directly accountable to the Municipal Manager's employment contract determines that the SALGBC Code applies	N
6.2	Referring the matter to – <ul style="list-style-type: none"> <li>• departmental enquiry; or</li> <li>• disciplinary tribunal</li> </ul>	Municipal Manager	Departmental head concerned	<ol style="list-style-type: none"> <li>1. A disciplinary enquiry into alleged misconduct perpetrated by the Municipal manager or a manager directly accountable to the Municipal Manager shall be heard by a disciplinary tribunal</li> <li>2. Only if the Municipal Manager or manager directly accountable to the Municipal Manager's employment contract determines that the SALGBC Code applies</li> </ol>	N
6.4.1	Deciding whether it is possible or desirable to appoint a senior employee of the Municipality as presiding officer	Municipal Manager	Departmental head concerned	<ol style="list-style-type: none"> <li>1. In the case of the Municipal Manager or a manager directly accountable to the Municipal Manager, an external presiding officer shall be appointed</li> <li>2. Only if the Municipal Manager or manager directly accountable to the Municipal Manager's employment contract</li> </ol>	N

Clause	Power conferred	Delegating authority	Delegated body	Conditions, directions and limitations	Sub-delegate
				determines that the SALGBC Code applies	
6.4.1	Appointing a suitably qualified person as presiding officer	Municipal Manager	Departmental head concerned  In the case of a departmental head, the Municipal Manager  In the case of the Municipal Manager, the Council	Only if the Municipal Manager or manager directly accountable to the Municipal Manager's employment contract determines that the SALGBC Code applies	N
6.4.2	Deciding whether it is possible or desirable to appoint an employee of the Municipality as prosecutor	Municipal Manager	Departmental head concerned	1. In the case of the Municipal Manager or a manager directly accountable to the Municipal Manager, an external prosecutor shall be appointed 2. Only if the Municipal Manager or manager directly accountable to the Municipal Manager's employment contract determines that the SALGBC Code applies	N
6.4.2	Appointing a suitably qualified person as prosecutor	Municipal Manager	Departmental head concerned  In the case of a departmental head, the Municipal Manager  In the case of the Municipal Manager, the Council	Only if the Municipal Manager or manager directly accountable to the Municipal Manager's employment contract determines that the SALGBC Code applies	N
7.6	Receiving from the presiding officer at an enquiry the findings of fact,	Municipal Manager	Director Corporate Governance	Only if the Municipal Manager or manager directly	N



Clause	Power conferred	Delegating authority	Delegated body	Conditions, directions and limitations	Sub-delegate
	sanction imposed and the reasons in support thereof			accountable to the Municipal Manager's employment contract determines that the SALGBC Code applies	
7.7	Deciding whether the summary procedure should apply to the proceedings	Municipal Manager	Director Corporate Governance	Only if the Municipal Manager or manager directly accountable to the Municipal Manager's employment contract determines that the SALGBC Code applies	N
10.2	Keeping custody of the recording of a disciplinary tribunal	Municipal Manager	Director Corporate Governance		N
13.1	Deciding whether it would be detrimental to the interests of the employer if an employee who has been accused of misconduct remains in active service	Municipal Manager	Departmental head concerned	<b>NOTE:</b> The (intended) suspension of the Municipal Manager or a manager directly accountable to the Municipal Manager must be done in terms of regulation 16 of the Local Government: Municipal Performance Regulations for Municipal Managers and Managers Directly Accountable to Municipal Managers, 2006 (Government Notice No R 805 of 1 August 2006)	N
13.1	Deciding whether to suspend and employee accused of misconduct or utilise her/him temporarily in another capacity	Municipal Manager	Departmental head concerned		N
13.2	Giving notice to an employee of the intention to suspend her/him	Municipal Manager	Departmental head concerned		N
13.2	Considering any representations made by an employee regarding her/his intended suspension	Municipal Manager	Departmental head concerned		N
13.3	Determining the period of suspension of an employee	Municipal Manager	Departmental head concerned		N
14.2	Receipt of an appeal against any disciplinary sanction	Municipal Manager	Director Corporate Governance	Only if the Municipal Manager or manager directly accountable to the Municipal Manager's employment contract determines that the	N

Clause	Power conferred	Delegating authority	Delegated body	Conditions, directions and limitations	Sub-delegate
				SALGBC Code applies	
14.3	Determining the appropriate level at which an appeal must be considered	Municipal Manager	Director Corporate Governance	Only if the Municipal Manager or manager directly accountable to the Municipal Manager's employment contract determines that the SALGBC Code applies	N
14.4	Deciding whether an appeal should be heard by an independent arbitrator	Municipal Manager	Director Corporate Governance	Only if the Municipal Manager or manager directly accountable to the Municipal Manager's employment contract determines that the SALGBC Code applies	N
14.4	Appointing an independent arbitrator from a panel/list	Municipal Manager	Director Corporate Governance	Only if the Municipal Manager or manager directly accountable to the Municipal Manager's employment contract determines that the SALGBC Code applies	N
14.6	Confirm or set aside any decision, determination or finding and to confirm, set aside or reduce any sanction imposed	Presiding officer of an appeal tribunal	None	Only if the Municipal Manager or manager directly accountable to the Municipal Manager's employment contract determines that the SALGBC Code applies	N
15	Deciding whether to conduct an arbitration into allegations about the conduct or capacity of an employee as provided for under section 188A of the Labour Relations Act	Municipal Manager	Director Corporate Governance  In the case of a departmental head, the Municipal Manager	Only if the Municipal Manager or manager directly accountable to the Municipal Manager's employment contract determines that the SALGBC Code applies	N
	Seeking the relevant employee's consent to conduct an arbitration into allegations about the conduct or capacity of an employee as provided for under section 188A of the Labour Relations Act	Municipal Manager	In the case of the Municipal Manager, the Council	Only if the Municipal Manager or manager directly accountable to the Municipal Manager's employment contract determines that the SALGBC Code applies	N