

**MSUKALIGWA LOCAL MUNICIPALITY
REMUNERATION WORK OUTSIDE THE
MUNICIPALITY (RWOM)
POLICY**

2023-2024



Approved Date: 03 July 2023
Review Date: as when necessary

TABLE OF CONTANT

NO	TOPIC	PAGE NO
1	Introduction	3
2	Purpose	3
3	Objectives	3
4	Applicability	3
5	Definitions of terms	3-4
6	Authorization	4
7	Policy Provision	4
7.2	Application for permission to perform remunerative work outside the municipality	5
8	Termination of remunerative work outside the municipality	5
9	Performance of remunerative work outside the municipality without permission	5
10	Rules and Responsibilities	6
10.1	Human Resources	6
10.2	Director Corporate Services: HR Manager/ Senior Management and Line Management	6
11	Monitoring, Evaluation and Review	6
12	Dispute Resolution	6

REMUNERATION WORK OUTSIDE THE MUNICIPALITY (RWOM) POLICY

1. INTRODUCTION

- 1.1 The Municipal Systems Act, 2000 stipulates that employee shall place the whole of their time at the disposal of the employer unless it is otherwise provided for in their conditions of employment.
- 1.2 Furthermore, the Municipal Systems Act, 2000 as amended and Regulation regarding the Terms and Conditions of Employment of an employee stipulate that any remuneration, allowance or other reward received by an employee, other than in accordance with their employment in terms of the relevant act or regulations, shall be paid into revenue, if an employee does not do so, shall be recovered in accordance.
- 1.3 Where remunerative work is performed for which no prior approval has been obtained, no ex post factor approval will be granted and in such instances paragraph 1.2 above will apply.

2. PURPOSE

- 2.1 To provide for measures and guidelines on the regulation of the performance of Remunerative Work outside the Municipality.

3. OBJECTIVES

- 3.1 The objectives of this policy are indicated hereunder:
 - a) To provide conditions under which the Municipality shall grant permission for remunerative work outside of the Municipality and;
 - b) Action to be taken in the event where the performance of remunerative work outside the Municipality is without approval.

4. APPLICABILITY

- 4.1 This policy applies to all full time employees who are employed in terms of the Public Service Act, 1994, as amended and who are employed in a permanent or temporary capacity in the Msukaligwa Local Municipality

5. DEFINITIONS OF TERMS

- 5.1 For the purposes of this policy and unless the context refers otherwise:
"Employee" means an employee as defined in the Public Service Act, 1994, as amended.
"Public Service Act" herein referred to as the Public Service Act, 1994 as amended.
"Remunerative work outside the Municipality- RWOM" means any activity that is performed outside the period during which an employee must report for duty for the purposes of fulfilling the prescribed work week or a period of overtime that an employee has agreed to perform or a period of standby, and for which the

employee will receive compensation in the form of a salary, wage, allowance, honorarium or reward.

6. AUTHORIZATION

6.1 The authorization of this policy is in accordance with:

- Constitution of 1996
- Municipal Systems Act of 2000
- Labour Relations Act, 1995 (Act 66 of 1995) as amended
- Basic Conditions of Employment Act, 1997
- Public Finance Management Act, 199
- DPISA Determination on RWOPS

7. POLICY PROVISION

7.1 **Conditions under which applications for performance of Remunerative work outside the Municipality will be considered**

- a) The work must be of such a nature that it will not cause embarrassment to the MLM.
- b) There must be no abuse or conflict of interest between the work that will be performed outside the Municipality and the person's duties within the Municipality. In the event of an abuse or conflict of interest, permission for remunerative work outside the Municipality will be withdrawn immediately. Should it be established that authorization was granted on the basis of misrepresentation of facts by the applicant; such authorization will be withdrawn with immediate effect.
- c) The work must in no way hamper the performance of an employee's official duties covered by 7.1 (a).
- d) All applications for remunerative work outside the Municipality must be in writing and must be made on the prescribed form.
- e) The outcome of the application must be communicated in writing within 30 days of receipt of the application and a copy thereof must be placed in the file.
- f) The employee's position and the state of work in the Municipality, office or section in which the officer or employee is employed must be indicated on the application.
- g) Authorization for RWOM must be obtained in advance and is valid for a period of twelve (12) months.
- h) The remunerative work must not in any way rely on state resources or government property or equipment or require utilization of such.

- i) The maximum remunerative time to be worked by the applicant per week including normal working hours, overtime and RWOM must be prescribed by the executing authority or his/her delegate, taking into account the possible impact on the employee's duties and overall performance in the Municipality.

7.2 APPLICATION FOR PERMISSION TO PERFORM REMUNERATIVE WORK OUTSIDE THE MUNICIPALITY

- (a) All applications for remunerative work outside the Municipality must be completed annually using Annexure A.
- (b) The outcome of the application must be communicated to the affected employee within 30 days of receipt of the application.
- (c) Such applications must indicate the following:
 - i. The type of work;
 - ii. The name, type and nature of business activity of the employer;
 - iii. The amount of the remuneration received for such work; and
 - iv. Proof of compliance with the Act must be attached.

8. TERMINATION OF REMUNERATIVE WORK OUTSIDE THE MUNICIPALITY

- 8.1 Should an employee no longer perform remunerative work outside the Municipality, a written notice using **Annexure B**, indicating the date on which the remunerative work outside the Municipality ceased, must be addressed to the relevant Human Resource Office.

9. PERFORMANCE OF REMUNERATIVE WORK OUTSIDE THE MUNICIPALITY WITHOUT PERMISSION

- 9.1 No employee shall perform remuneration work outside his or her employment, except where authority has been granted.
- 9.2 Should an employee be found performing remunerative work outside the Municipality without approval, he/she shall pay into revenue any remuneration, allowance or reward or value thereof, as determined by the Municipal Manager at the time of receipt thereof.
- 9.3 If the employee fails to pay into the revenue the amount or value, the Municipal Manager shall recover it from him or her by way of legal proceedings where such will be paid into revenue.
- 9.4 An employee performing RWOM without permission will be subjected to disciplinary action.

10. ROLES AND RESPONSIBILITIES

10.1 Human Resources

- (a) Maintain a register of all employees performing remunerative work outside the Municipality. Annexure C
- (b) Human Resources must update the register and remove the names of the officials who are no longer performing RWOM.
- (c) Ensure that the content of this policy is communicated to all line managers and employees in the MLM.
- (d) Capture the application process on **PAYDAY** under the fields created especially for the recording of applications.

10.2 Director Corporate Services: HR Management / Senior Management and Line Management

- (a) Ensure that the policy on Remunerative Work outside the Municipality is applied consistently and is adhered to within the Municipality.
- (b) Ensure that compliance is met and reporting to Council in quarterly basis.

11. MONITORING, EVALUATION AND REVIEW

- 11.1 Pay Day reports will be used to monitor and evaluate the elements of this policy.
- 11.2 The Municipality will review this policy as and when necessary.
- 11.3 Non-compliance with any of the conditions, monitoring or control measures pertaining to the performance of RWOM may lead to disciplinary action. The normal disciplinary measures apply and in no way are superseded by the permission or withdrawal to perform RWOM
- 11.4 The register as per Annexure C will be used to monitor the performance of RWOM

12. Dispute Resolution

- 12.1 Any dispute arising out of the interpretation and application of this Policy will be dealt with in accordance with Dispute Resolution mechanism of the relevant Sectorial Bargaining Council.

Authority



Mr M Kunene
MUNICIPAL MANAGER

03 July 23

DATE