

Argief.

BUITENGEWONE

OFFISIËLE KOERANT

VAN SUIDWES-AFRIKA.

OFFICIAL GAZETTE

EXTRAORDINARY
OF SOUTH WEST AFRICA.



UITGAWE OP GESAG.

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GOEWERMENTSKENNISGEWING:

GOVERNMENT NOTICE:

No. 119 Munisipale Modelpersoneelregulasies Municipal Model Staff Regulations 1613

Goewermentskennisgewing.

Government Notice.

Die volgende Goewermentskennisgewing word vir algemene inligting gepubliseer.

J. J. KLOPPER,
Sekretaris van Suidwes-Afrika.

Kantoor van die Administrateur,
Windhoek.

No. 119.]

[2 Oktober 1969

Dit behaag die Administrateur om kragtens en ingevolge die bevoegdheid hom verleen by artikel 244 van die Munisipale Ordonnansie 1963 (Ordonnansie 13 van 1963) die onderstaande modelregulasies te maak:

MODELPERSONEELREGULASIES.

HOOFSTUK I.

WOORDBEPALING.

1. In hierdie regulasies tensy uit die sinsverband anders blyk, beteken —

- (i) "aaneenlopende diens" die tydperk vanaf die datum van diensaanvaarding tot die datum van beëindiging van diens by die raad en sluit dit in enige tyd van afwesigheid met behoorlik gemagtigde vakansieverlof, siekteverlof, spesiale verlof, bonusverlof en verlof sonder betaling;
- (ii) „beskikbaarheidsdiens" die tyd voor en na die gewone daaglikse werksure waarin 'n werknemer hom deurgaans gereed moet hou vir dringende pligte ten opsigte van dienste waarvoor die Raad besluit;

The following Government Notice is published for general information.

J. J. KLOPPER,
Secretary for South West Africa.

Administrator's Office,
Windhoek.

No. 119.]

[2 October 1969

The Administrator has been pleased under and by virtue of the powers in him vested by section 244 of the Municipal Ordinance, 1963 (Ordinance 13 of 1963) to make the following model regulations:

MODEL STAFF REGULATIONS.

CHAPTER I.

DEFINITIONS.

1. In these regulations, unless the context indicates otherwise —

- (i) "continuous service" means the period from the date of assumption of duty to the date of termination of service with the council and includes any period of absence on properly authorised vacation leave, sick leave, special leave, bonus leave and leave without pay;
- (ii) "stand-by duty" means the period before and after normal daily working hours throughout which an employee shall keep himself ready for urgent duties in respect of services decided upon by the council;

- Original
- (iii) „fabriekswerker” ’n werknemer soos omskryf in artikel 2 van die Ordonnansie op Fabriekke, Masjinerie en Bouwerk 1952 (Ordonnansie 34 van 1952);
- (iv) „hoof van departement” enige hoof van ’n departement, of sy gemagtigde plaasvervanger van ’n munisipaliteit;
- (v) „munisipale gebied” die gebied van ’n munisipaliteit ten opsigte waarvan ’n raad regsbevoegdheid uitoefen;
- (vi) „munisipaliteit” die betrokke munisipaliteit gestig of ingestel ingevolge Ordonnansie 13 van 1963 of enige ander wet waarop hierdie regulasies van toepassing is;
- (vii) „openbare feesdag” elk van die dae vervat in die eerste en tweede bylaes van die Wet op Openbare Feesdae 1952 (Wet 5 van 1952) en sodanige ander dae soos van tyd tot tyd by enige wet of by proklamasie as openbare feesdae bepaal word;
- (viii) „die ordonnansie” die Munisipale Ordonnansie 1963 (Ordonnansie 13 van 1963);
- (ix) „pensioenfonds” ’n pensioenfonds ingestel ingevolge artikel 239 van die ordonnansie en sluit dit enige verenigde pensioenfonds van twee of meer rade in;
- (x) „raad” die raad van enige munisipaliteit;
- (xi) „stadsklerk”, die stadsklerk van enige munisipaliteit of sy gemagtigde plaasvervanger;
- (xii) „vorige diensvoorwaardes”, die personeelreëls of ooreenkomste wat die diensvoorwaardes van werknemers by die raad bevat het voor inwerkingtreding van hierdie regulasies en wat deur hierdie regulasies vervang word;
- (xiii) „werknemer” ’n blanke werknemer in diens van die raad;
- en het ander woorde en uitdrukkings dieselfde betekenis as wat daaraan gegee word in die ordonnansie.
- (iii) “factory worker” means an employee as defined in section 2 of the Factories, Machinery and Building Work Ordinance, 1952 (Ordinance 34 of 1952);
- (iv) “head of department” means any head of a department, or his authorised deputy, of a municipality;
- (v) “municipal area” means the area of any municipality in respect of which a council exercises jurisdiction;
- (vi) “municipality” means the municipality concerned established or instituted under Ordinance 13 of 1963, or any other law to which these regulations apply;
- (vii) “public holiday” means any of the days contained in the first and second schedules to the Public Holidays Act, 1952 (Act 5 of 1952) and such other days as may from time to time by any law or by proclamation be declared to be public holidays;
- (viii) “the ordinance” means the Municipal Ordinance, 1963 (Ordinance 13 of 1963);
- (ix) “pension fund” means a pension fund instituted under section 239 of the ordinance and includes any united pension fund of two or more councils;
- (x) “council” means the council of any municipality;
- (xi) “town clerk” means the town clerk of any municipality or his authorised deputy;
- (xii) “former conditions of service” means the staff rules or agreements contained in the conditions of service of employees with the council before the commencement of these regulations and which are superseded by these regulations;
- (xiii) “employee” means any white employee in the service of the council;
- and any other words and expressions shall have the same meaning as that given them in the ordinance.

HOOFSTUK II.

AANSTELLINGS, VAKATURES EN SALARIS-
VERHOEGINGS.

2. AANSTELLINGS:

- (1) Behoudens die bepalings van artikel 148 van die ordonnansie mag niemand in ’n vaste betrekking aangestel word nie tensy —
- (a) hy die proeftydperk wat die raad vereis, voltooi het;
- (b) die hoof van die betrokke departement ’n sertifikaat soos deur die raad voorgeskryf, ten aansien van hom uitgereik het;
- (c) hy ’n burger van die Republiek van Suid-Afrika is;
- (d) hy nie jonger is as 16 jaar en nie ouer as 50 jaar nie, of anders reeds lid is van ’n goedgekeurde pensioenfonds en sy voordele uit sodanige lidmaatskap aan die pensioenfonds oorgedra word;
- (e) hy beide amptelike landstale kan lees, skryf en praat.
- (2) Niemand mag diens aanvaar in ’n vaste betrekking nie tensy hy ’n sertifikaat deur ’n geneesheer, in ’n

CHAPTER II.

APPOINTMENTS, VACANCIES AND SALARY
INCREASES.

2. APPOINTMENTS:

- (1) Subject to the provisions of section 148 of the ordinance no person shall be appointed in any permanent post unless —
- (a) he has completed the trial period required by the council;
- (b) the head of the department concerned has issued a certificate as prescribed by the council, in respect of such person;
- (c) he is a citizen of the Republic of South Africa;
- (d) he is not under 16 years of age and not over 50 years of age or otherwise is already a member of an approved pension fund and his benefits from such membership are transferred to the pension fund;
- (e) he is able to read, write and speak both official languages.
- (2) No person shall assume duty in a permanent post unless he has submitted a certificate by a medical

vorm deur die raad voorgeskryf, ingedien het, waarin gesertifiseer word dat hy vry is van enige geestelike of liggaamlike gebreke, siekte of swaakheid wat die uitvoering van sy pligte waarskynlik sal belemmer of sy aftrede uit so 'n betrekking sal genoodsaak op 'n datum vroeër as op die voorgeskrewe aftree-ouderdom.

- (3) Elke werknemer moet binne dertig dae na diensaanvaarding, of binne sodanige verlengde tyd soos die raad toestaan, die volgende dokumente aan die stadsklerk of aan 'n werknemer wat deur die stadsklerk daarvoor aangewys is, oorhandig vir aantekening in die raad se registers:—
 - (a) 'n Geboortsertifikaat of ander bevredigende bewys van sy volle naam en geboortedatum;
 - (b) bewys van naturalisasie, indien van toepassing;
 - (c) 'n huweliksertifikaat, indien getroud;
 - (d) bewys van sy kwalifikasies vermeld in sy aansoek;
 - (e) 'n geneeskundige sertifikaat waarna in subregulasie (3) verwys word; en
 - (f) enige ander dokument wat die stadsklerk redelikerwys verlang;
- (4) Indien 'n werknemer versuim om die dokumente vermeld in subregulasie (3) in te dien binne die vermelde tydperk van dertig dae of binne sodanige verlengde tyd soos die raad toegestaan het, kan so 'n werknemer se dienste beëindig word met sodanige kennisgewing soos die raad goed ag.
- (5) Elke werknemer wat vir 'n proeftydperk soos bedoel in subregulasie (1) (a) aangestel word, moet bydra tot en lid word van die pensioenfonds en 'n mediese hulpfonds, deur die raad goedgekeur.

3. Geen aansoeker om 'n betrekking by die raad mag hom skuldig maak aan persoonlike gunsverwing met die doel om 'n aanstelling of 'n bepaalde salaris te verkry nie. Sodanige optrede maak 'n kandidaat onbevoeg vir aanstelling in die betrokke betrekking.

4. INDIENSNEMING NA AFTREE-OUERDOM:

Behoudens die bepalings van die statute, reëls of regulasies van die pensioenfonds moet 'n werknemer wat die aftree-ouderdom bereik het, uit die diens tree, en daarna word alle voordele aan hom uitbetaal wat hom ingevolge hierdie regulasies toekom. Die raad kan 'n werknemer wat aftree-ouderdom bereik het en uit die diens van die raad getree het, weer in 'n tydelike hoedanigheid in diens neem op sodanige voorwaardes soos die raad goedvind.

5. VAKATURES:

Elke vakature vir 'n vaste betrekking, moet by wyse van 'n kennisgewing, by die munisipale kantoor opgeplak en onder die raad se personeel bekend gemaak word.

6. SALARISVERHOOGINGS:

- (1) Die jaarlikse salarisverhoging van die stadsklerk en hoofde van departemente word deur die bestuurskomitee goedgekeur.
- (2) Die stadsklerk of die hoof van 'n departement kan, ten opsigte van personeel onder sy beheer, jaarliks salarisverhogings tot 'n maksimum van een kerf van die toepaslike goedgekeurde salarisskale toestaan indien 'n werknemer sy voorgeskrewe dienspligte bevredigend verrig het gedurende die voorgaande tydperk van 12 maande, en wat ingevolge sy diensvoorwaardes vir 'n verhoging kwalifiseer.

practitioner in the form prescribed by the council, in which it is certified that he is free of any mental or physical disability, illness or infirmity which would probably hamper the execution of his duties or which would necessitate his retirement from such post on a date earlier than the prescribed retirement age.

- (3) Every employee shall, within thirty days after assumption of duty or within such extended period as the council may grant, hand to the town clerk or to an employee designated for such purpose by the town clerk the following documents for entry in the council's records:—
 - (a) A birth certificate or other satisfactory proof of his full name and date of birth;
 - (b) proof of naturalisation, if applicable;
 - (c) a marriage certificate, if married;
 - (d) proof of his qualifications as mentioned in his application;
 - (e) a medical certificate as referred to in subregulation (3); and
 - (f) any other document reasonably required by the town clerk.
- (4) If any employee fails to submit the documents mentioned in subregulation (3) within the said period of thirty days or within such extended period as the council may have granted, such employee's services may be terminated on such notice as the council may deem fit.
- (5) Any employee appointed for a trial period as referred to in subregulation (1) (a) shall contribute to and become a member of the pension fund and a medical aid fund approved by the council.

3. No applicant for a post with the council may be guilty of personal canvassing for the purpose of obtaining an appointment or any particular salary. Such action shall render any candidate unfit for appointment in the post concerned.

4. EMPLOYMENT AFTER RETIRING AGE:

Subject to the provisions of the statutes, rules or regulations of the pension fund an employee who has reached retiring age shall leave the service and thereupon all benefits accruing to him under these regulations shall be paid out to him. The council may re-employ any employee who has reached retiring age and has left the council's service, in a temporary capacity on such conditions as the council may deem fit.

5. VACANCIES:

Every vacancy for a permanent post shall be posted up by way of a notice at the municipal offices and made known to the council's staff.

6. SALARY INCREASES:

- (1) The annual salary increases of the town clerk and heads of departments shall be approved by the management committee.
- (2) The town clerk or the head of any department may, in respect of staff under his control, annually grant salary increases to a maximum of one notch of the appropriate, approved salary scales, if an employee has performed his prescribed duties satisfactorily in the previous period of 12 months and who qualifies for an increase under his conditions of service.

- (3) Indien die stadsklerk of die hoof van 'n departement 'n salarisverhoging van 'n werknemer wat ingevolge sy diensvoorwaardes daarop geregtig is, weier, moet hy die betrokke werknemer skriftelik in kennis stel waarom die salarisverhoging nie toegestaan is nie en die saak aan die bestuurskomitee of 'n komitee, aan wie die bestuurskomitee sy magte vir die doel oorgedra het, rapporteer. Sodanige komitee kan na oorweging, sodanige werknemer se salarisverhoging geheel of gedeeltelik toestaan of terughou vir sodanige tydperk soos hy goedvind.
- (4) Wanneer 'n werknemer se jaarlikse salarisverhoging weerhou word omdat hy nie oor die nodige kwalifikasies, wat die raad vereis, beskik nie, is hy, sodra hy later wel kwalifiseer, nie geregtig op 'n verhoging van meer as een kerf van die goedgekeurde salarisskaal nie.
- (3) If the town clerk or the head of any department refuses any salary increase of an employee who, under his conditions of service, is entitled thereto, he shall inform the employee concerned in writing why the salary increase has not been granted and report the matter to the management committee or to a committee, to which the management committee has delegated its powers for the purpose. Such committee may, after consideration, grant such employee's salary increase either wholly or in part or withhold it for such period as it may deem fit.
- (4) When an employee's annual salary increase is withheld because he does not possess the necessary qualifications required by the council, he shall, as soon as he does subsequently qualify, not be entitled to an increase of more than one notch on the approved salary scale.

HOOFSTUK III.

7. WERKSURE EN OORTYD:

Behoudens die bepalings van enige wet —

- (1) bepaal die raad van tyd tot tyd die normale werksure van sy werknemers of groepe van sy werknemers en sodanige werknemers moet sodanige werksure nakom;
- (2) moet fabriekswerkers en enige ander personeel wat die raad bepaal, normaalweg 46 uur per week werk. Waar sodanige werknemers, volgens besluit van die raad normaalweg minder as 46 uur per week werk, word hulle vir oortydwerk betaal slegs wanneer hulle meer as 46 uur per week werk.

8. Behoudens die bepalings van enige wet —

- (1) berus betaling vir oortyd wat gewerk word, uitsluitlik by die raad;
- (2) bepaal die raad die omstandighede waarin die voorwaardes waarop en die tarief waarteen vir oortyd betaal word en watter groepe werknemers vir oortyd besoldig moet word;
- (3) kan die stadsklerk of hoof van 'n departement, waar werkzaamhede dit noodsaak, vereis dat 'n werknemer oortyd moet werk, of hom op 'n Saterdag (indien die werknemer nie op Saterdag werk nie), op 'n Sondag of 'n openbare vakansiedag vir diens uitroep, sonder om die raad te verbind om enige oortyd te betaal en moet sodanige werknemer sodanige oortyd werk.

9. Die raad kan, onderhewig aan die bepalings van die Ordonnansie op Fabriek, Masjinerie en Bouwerk 1952 (Ordonnansie 34 van 1952) by besluit bepaal dat —

- (1) aan 'n sekere werknemer of groep werknemers 'n vaste bedrag maandeliks betaal word ten opsigte van oortyd wat gewerk word in plaas van oortyd-besoldiging op die gewone basis;
- (2) 'n spesiale betaling gemaak word aan 'n werknemer wat werk van 'n spesiale aard bo en behalwe sy gewone werkzaamhede verrig, en/of onder buitengewone omstandighede pligte vervul, waarvan die omvang sodanig is dat dit nie in gewone werksure verrig kan word nie;

CHAPTER III.

7. WORKING HOURS AND OVERTIME:

Subject to the provisions of any law —

- (1) the council shall from time to time determine the normal working hours of its employees or groups of its employees and such employees shall comply with such working hours;
- (2) factory workers and any other staff, as may be determined by the council, shall work normally 46 hours a week. Where such employees according to a decision of the council normally work less than 46 hours per week, they shall be paid for overtime work only where they work more than 46 hours a week.

8. Subject to the provisions of any law —

- (1) payment for overtime worked shall vest solely in the council;
- (2) the council shall determine the circumstances in which, the conditions on which and the tariff at which overtime shall be paid, as also the groups of employees who shall be paid for overtime work;
- (3) the town clerk or the head of any department may, where activities necessitate it, require an employee to work overtime or call him for service on a Saturday (if such employee does not work on Saturdays), on a Sunday or a public holiday without binding the council to pay any overtime, and such employee shall work such overtime.

9. The council may, subject to the provisions of the Factories, Machinery and Building Work Ordinance, 1952 (Ordinance 34 of 1952) by resolution determine that —

- (1) a fixed amount be paid monthly to any particular employee or group of employees in respect of overtime which may be worked instead of overtime remuneration on the usual basis;
- (2) a special payment be made to any employee who performs work of a special nature over and above his ordinary work and/or fulfils duties under extraordinary circumstances of which the extent is such that they cannot be performed during ordinary working hours;

(3) 'n werknemer, wat in opdrag van die stadsklerk of 'n hoof van 'n departement moet werk op 'n openbare vakansiedag of 'n dag wanneer gewoonlik nie gewerk word nie, daarvoor vergoed word deur middel van spesiale verlof tot afwesigheid met volle salaris vir 'n werksdag binne die eersvolgende 14 dae of met 'n dag verlof, bo en behalwe sy gewone vakansieverlof, gekrediteer word in die verlof-register.

(3) an employee who has to work on the instructions of the town clerk or a head of any department on a public holiday or a day on which work is not usually done, shall be compensated therefor by means of special leave of absence on full pay for a working day within the next 14 days or be credited with a day's leave, over and above his ordinary vacation leave, in the leave register.

10. Die raad kan 'n werknemer, wat na gewone werksure vir beskikbaarheidsdiens beskikbaar moet wees, benewens enige toelae wat aan hom betaal word om te alle tye beskikbaar te wees, ook besoldig ten opsigte van die tyd wat hy werklike diens verrig het, op die gewone basis van oortydbesoldiging.

10. The council may also in respect of an employee, who has to be available for stand-by duty after ordinary working hours, in addition to any allowance paid to him to be at all times available, also remunerate him in respect of the period he actually worked on the usual basis of overtime remuneration.

11. VERLIES VAN TYD:

'n Werknemer wat per uur besoldig word en wat laat by sy werk aankom, mag, indien hy minder as dertig minute laat is, nie met sy werk begin nie voordat dertig minute verloop het na die bepaalde tyd waarop hy moes begin het, of, indien hy meer as dertig minute laat is, nie sonder die uitdruklike toestemming van sy toesighouer op daardie dag met sy werk begin nie: Met dien verstande dat so 'n werknemer 'n *pro rata* deel van sy loon in verhouding met die tydsverlies verbeur.

11. LOSS OF TIME:

An employee who is remunerated by the hour and who arrives late at work, shall, if he is less than thirty minutes late, not begin with his work until thirty minutes have passed after the fixed time he was to have begun, or if he is later than thirty minutes, he shall not begin without the express permission of his supervisor on that day: Provided that such employee shall forfeit a *pro rata* portion of his wages in relation to the loss of time.

HOOFSTUK IV.

CHAPTER IV.

12. BEËINDIGING VAN DIENS:

12. TERMINATION OF SERVICE:

(1) Behoudens die bepalings van enige wet en die raad se pensioenreëls kan die diens van 'n werknemer deur die raad beëindig word —

(1) Subject to the provisions of any law and the council's pension rules the services of an employer may be terminated by the council —

(a) weens voortdurende swak gesondheid of siekte of voortdurende ongeskiktheid vir werk;

(a) on account of continuing bad health or illness or continuing unfitness for work;

(b) weens die afskaffing van sy pos of enige vermindering in of reorganisasie of herrangskikking van departemente of betrekkings op die vaste diensstaat;

(b) on account of the abolition of his post or any reduction in or reorganisation or rearrangement of departments or posts on the fixed establishment;

(c) weens wangedrag;

(c) on account of misconduct;

(d) in die geval van 'n werknemer wat op proef aangestel is, indien sy dienste onbevredigend is; of in die geval van 'n werknemer wat in 'n tydelike hoedanigheid aangestel is, om enige rede wat die raad as voldoende beskou.

(d) in the case of an employee appointed on trial, if his services are unsatisfactory; or in the case of an employee appointed temporarily, for any reason deemed sufficient by the council.

(2) Behoudens die bepalings van artikel 148 (4) en (6) van die ordonnansie, kan 'n werknemer wat in 'n vaste hoedanigheid of op proef aangestel is, se dienste in die gevalle vermeld in subregulasie (1), beëindig word met 30 dae skriftelike kennisgewing, en in die geval van 'n werknemer wat tydelik aangestel is, met 24 uur skriftelike kennisgewing: Met dien verstande dat die raad 'n werknemer wat aan 'n daad van wangedrag, skuldig bevind word, op staande voet kan ontslaan.

(2) Subject to the provisions of section 148 (4) and (6) of the ordinance, the services of an employee appointed permanently or on trial may, in the cases mentioned in subregulation (1), be terminated on 30 days notice in writing and, in the case of an employee appointed temporarily on 24 hours notice in writing: Provided that the council may dismiss an employee summarily, if he is found guilty of an act of misconduct.

(3) Die dienste van 'n werknemer wat in 'n tydelike hoedanigheid of op proef aangestel is, eindig *ipso facto* by die verstryking van sodanige tydperk van tydelike aanstelling of proefdiens, tensy die betrokke tydperk verleng word of tensy die werknemer wat proefdiens lewer in 'n vaste hoedanigheid aangestel word. 'n Tydperk van proefdiens moet minstens 6 maande en hoogstens 12 maande wees. Indien die raad nie bereid is om 'n werknemer na 12

(3) The services of an employee appointed temporarily or on trial shall terminate *ipso facto* on the expiry of such period of temporary appointment or service on trial, unless such period is extended or unless the employee appointed on trial is appointed permanently. A period of trial service shall be at least 6 months and not longer than 12 months. If the council is not prepared to appoint an employee permanently after 12 months on trial, the period of

maande proefdiens in 'n vaste hoedanigheid aan te stel nie, kan die proeftydperk nie verleng word nie en kan so 'n werknemer slegs in 'n tydelike hoedanigheid in diens gehou word.

13. (1) 'n Werknemer wat in 'n vaste hoedanigheid of op proef aangestel is, kan sy dienste by die raad beëindig deur dertig dae skriftelike kennisgewing: Met dien verstande dat 'n korter tydperk van kennisgewing aanvaar mag word.

(2) 'n Werknemer wat nie in 'n vaste hoedanigheid of op proef aangestel is nie, kan sy dienste by die raad beëindig met vier-en-twintig uur skriftelike kennisgewing tensy sy dienskontrak met die raad anders bepaal.

trial shall not be extended and such employee may be kept in service only in a temporary capacity.

13. (1) An employee appointed permanently or on trial may terminate his service with the council by giving thirty days notice in writing: Provided that a shorter period of notice may be accepted.

(2) An employee not appointed permanently or on trial may terminate his service with the council by giving twenty-four hours notice in writing unless his contract of service with the council provides otherwise.

HOOFSTUK V.

VERLOF VAN AFWESIGHEID.

14. (1) Die bepalings van die regulasies vervat in hierdie hoofstuk is van toepassing op alle werknemers behalwe waar by ooreenkoms anders bepaal is.

(2) Verlof van afwesigheid word toegestaan onderworpe aan die vereistes van die diens.

15. (1) Alle verlof van afwesigheid kragtens hierdie regulasies word onder een van die onderstaande hoofde geklassifiseer:

- (a) Vakansieverlof;
- (b) siekteverlof;
- (c) bonusverlof;
- (d) spesiale verlof met of sonder betaling.

(2) Die verlening van verlof van afwesigheid geklassifiseer onder enige hoof beïnvloed nie die verlening van verlof van afwesigheid geklassifiseer onder enige ander hoof nie, behalwe vir sover dit spesiaal anders bepaal word in hierdie regulasies.

16. VAKANSIEVERLOF:

- (1) Behoudens die Ordonnansie op Fabriek, Masjinerie en Bouwerke 1952, word vakansieverlof met volle salaris ten opsigte van elke twaalf maande diens by die raad aan werknemers in die onderskeie groepe toegestaan volgens 'n skaal wat die raad bepaal, maar wat in elke geval nie die maksimum aantal dae hieronder vermeld, oorskry nie:

GROEP A:

Die stadsklerk en hoofde van departemente . . . Nie meer as 30 werksdae per jaar nie.

GROEP B:

Werknemers wat 'n basiese salaris bo R3,600 per jaar ontvang (uitgesonderd die werknemers vermeld onder groepe A en C); . . . Nie meer as 27 werksdae per jaar nie.

CHAPTER V.

LEAVE OF ABSENCE.

14. (1) The provisions of the regulations contained in this chapter shall apply to all employees except where provided otherwise by agreement.

(2) Leave of absence shall be granted subject to the exigencies of the service.

15. (1) All leave of absence under these regulations shall be classified under one of the following heads:

- (a) Vacation leave;
- (b) sick leave;
- (c) bonus leave;
- (d) special leave with or without pay.

(2) The granting of leave of absence classified under any head shall not influence the granting of leave of absence classified under any other head except in so far as it is specially provided otherwise in these regulations.

16. VACATION LEAVE:

- (1) Subject to the Factories, Machinery and Building Work Ordinance, 1952, vacation leave on full pay in respect of every twelve months service with the council shall be granted to employees in the various groups according to a scale determined by the council, but which shall in no case exceed the maximum number of days given below:

GROUP A:

The town clerk and heads of departments . . . Not more than 30 working days a year.

GROUP B:

Employees receiving a basic salary above R3,600 a year (with the exception of the employees mentioned under groups A and C) . . . Not more than 27 working days a year.

GROEP C:

Alle werknemers wat 'n basiese salaris van tot R3,600 per jaar ontvang (uitgesonderd die groepe vermeld onder A en B):

Nie meer nie as 24 werksdae per jaar waar die werknemer 'n vyfdaagse werksweek werk;

Nie meer nie as 29 werksdae per jaar waar die werknemer 'n sesdaagse werksweek werk; en

Nie meer nie as 24 werksdae per jaar waar die werknemer 'n sewedaagse werksweek werk.

- (2) Wanneer werknemers met vakansieverlof vertrek na 'n bestemming buite die grense van Suidwes-Afrika, kan twee ekstra werksdae verlof as reistyd toegestaan word, mits die tydperk van vakansieverlof meer is as twee-derdes van die jaarlikse vakansieverlof van die werknemer.

17. By berekening van vakansieverlof toegeken aan werknemers wat 'n vyfdaagse werksweek werk, word openbare feesdae, Saterdag en Sondag nie by die verlof-tydperk ingereken nie; by werknemers wat 'n sesdaagse werksweek werk word openbare feesdae en Sondag nie ingereken nie en by werknemers wat 'n sewedaagse werksweek werk word slegs openbare feesdae nie by die verlof-tydperk ingereken nie.

18. (1) Vakansieverlof loop op 'n *pro rata*-basis op ooreenkomstig die tydperk van voltooid diens: Met dien verstande dat 'n werknemer nie sonder spesiale goedkeuring van die raad op enige stadium meer as die volgende aantal dae vakansieverlof mag neem nie:

130 werksdae waar die werknemer 'n vyfdaagse werksweek werk.

156 werksdae waar die werknemer 'n sesdaagse werksweek werk.

182 werksdae waar die werknemer 'n sewedaagse werksweek werk.

(2) (a) Aan alle werknemers word die waarde van die vakansieverlof wat tot hulle krediet is tot die maksimum bepaal in subregulasie (1), uitbetaal by uitdienststreding om watter rede ook al. Indien 'n werknemer te sterwe kom, word die waarde van sodanige vakansieverlof tot sy krediet betaal aan sy weduwee; of indien daar geen weduwee is nie, in gelyke dele aan sy kinders; of indien daar geen weduwee of kinders is nie, aan sy boedel.

(b) Die berekening van die bedrag wat ooreenkomstig subregulasie (2) (a) betaalbaar is, moet volgens die volgende formule geskied:

$\frac{a \times b}{200}$ waar die werknemer 'n vyfdaagse werksweek werk.

$\frac{a \times b}{300}$ waar die werknemer 'n sesdaagse werksweek werk.

$\frac{a \times b}{365}$ waar die werknemer 'n sewedaagse werksweek werk.

GROUP C:

All employees receiving a basic salary of up to R3,600 a year (with the exception of the groups mentioned under A and B):

Not more than 24 working days a year where the employee works a five-day working week;

Not more than 29 working days a year where the employee works a six-day working week; and

Not more than 34 working days a year where the employee works a seven-day working week.

- (2) When employees on vacation leave depart to a destination outside the borders of South West Africa, two extra working days leave may be granted as travelling time, provided the period of vacation leave is more than two-thirds of the annual vacation leave of the employee.

17. In the calculation of vacation leave granted to employees who work a five-day working week, public holidays, Saturdays and Sundays shall not be included in the leave period; in the case of employees working a six-day working week, public holidays and Sundays shall not be included and in the case of employees working a seven-day working week only public holidays shall not be included in the leave period.

18. (1) Vacation leave shall accumulate on a *pro rata* basis according to the period of completed service: Provided that an employee shall not without the special approval of the council at any stage take more than the following number of days vacation leave:

130 working days where the employee works a five-day working week.

156 working days where the employee works a six-day working week.

182 working days where the employee works a seven-day working week.

(2) (a) To all employees the value of the vacation leave with which they are credited shall be paid out to them when they leave the service for any reason whatever to the maximum provided in subregulation (1). If an employee dies the value of such vacation leave standing to his credit shall be paid out to his widow or, if there is no widow, in equal parts to his children or, if there is no widow or children, to his estate.

(b) The calculation of the amount payable in accordance with subregulation (2) (a) shall be according to the following formula:

$\frac{a \times b}{200}$ where the employee works a five-day working week.

$\frac{a \times b}{300}$ where the employee works a six-day working week.

$\frac{a \times b}{365}$ where the employee works a seven-day working week.

In bostaande formule is:

a = die aantal dae vakansieverlof tot die werknemer se krediet op die datum van sy afsterwe of uitdienstreding; en

b = die jaarlikse salaris wat die werknemer ontvang het op die datum van sy afsterwe of uitdienstreding.

(c) Onder „kind” word in paragraaf (a) verstaan 'n wettige kind van 'n werknemer insluitende 'n kind wat na sodanige werknemer se afsterwe gebore is, 'n stiefkind, 'n buite-egtelike kind of 'n aangenome kind, wat ongetroud of onder 18 jaar is; of wat voltyds op skool, kollege of universiteit is, of ander voltydse onderrig wat die raad goedkeur, ontvang en ongetroud en onder 21 jaar is.

(3) By die inwerkingtrede van hierdie regulasies word die vakansieverlof wat tot 'n werknemer se krediet staan, in gevalle waar Saterdag, Sondag en openbare feesdae ingevolge die werknemer se vorige diensvoorwaardes by sy verloftydperk ingesluit was, met behulp van die volgende formule in werksdae omgerek (laat breukdele van 'n dag weg):

$a - \frac{a}{7} \times 2$ waar die werknemer vyf dae per week werk;

$a - \frac{a}{7}$ waar die werknemer ses dae per week werk.

In hierdie formule is a die werknemer se vakansieverlofkrediet ingevolge sy vorige diensvoorwaardes op die dag voor die inwerkingtrede van hierdie regulasies.

(4) Wanneer 'n werknemer van een verlofgroep na 'n ander oorgeplaas word, of wanneer die werkstye van 'n werknemer verander word, sodat hy meer of minder werksdae per werksweek werk, behou hy sy bestaande verlofkrediet soos dit op die dag voor sy oorplasing of verandering van werksweek was:

Met dien verstande dat —

(a) Waar 'n werknemer as gevolg van verandering van sy werksweek meer dae per werksweek werk sy verlofkrediet, volgens onderstaande formule bereken moet word (laat breukdele van 'n dag weg):

$a \times \frac{5}{b}$ werksdae — waar die werknemer een werksdag per werksweek meer werk;

$a \times \frac{10}{b}$ werksdae — waar die werknemer twee werksdae per werksweek meer werk.

Vir die doeleindes van hierdie formule is

a = die werknemer se verlofkrediet op die dag voor die verandering van sy werksweek, en

b = die aantal werksdae waarop die werknemer jaarliks geregtig was voor die verandering van sy werksweek;

(b) waar 'n werknemer as gevolg van verandering van sy werksweek minder dae per werksweek werk, sy

In the above formula —

a = the number of days vacation leave standing to the employee's credit on the date of his death or the date on which he leaves the service; and

b = the annual salary received by an employee on the date of his death or the date on which he leaves the services.

(c) In paragraph (a) “child” shall mean a legitimate child of an employee, including any child born after the death of such employee, a step-child, an illegitimate child or an adopted child which is unmarried or under the age of 18 years; or which is full-time at school, college or university, or which receives other full-time training approved by the council and is unmarried or under 21 years of age.

(3) At the commencement of these regulations vacation leave standing to the credit of an employee, in cases where Saturdays, Sundays and public holidays were included in his leave period under the employee's former conditions of service, shall be converted into working days (leaving fractions of a day out of account) by means of the following formula:

$a - \frac{a}{7} \times 2$ where the employee works five days a week;

$a - \frac{a}{7}$ where the employee works six days a week.

In this formula a is the employee's vacation leave credit under his former conditions of service on the day before the commencement of these regulations.

(4) When an employee is transferred from one leave group to another, or when the working times of an employee are changed so that he works more or fewer working days a working week he shall retain his existing leave credit as it was on the day before his transfer or change of working week:

Provided that —

(a) Where an employee, because of a change in his working week, works more days a working week, his leave credit shall be calculated according to the formula below (leaving fractions of a day out of account):

$a \times \frac{5}{b}$ working days — where the employee works one working day a working week more;

$a \times \frac{10}{b}$ working days — where the employee works two working days a working week more.

For the purpose of this formula —

a = the employee's leave credit on the day before the change in his working week, and

b = the number of working days to which the employee was entitled annually before the change in his working week;

(b) where an employee, because of a change in his working week, works fewer days a working week

verlofkrediet volgens die volgende formule bereken moet word (laat breukdele van 'n dag weg), vanaf die datum van verandering van werksweek:

$a - \frac{a}{7} \times 2$ waar die werknemer twee dae per week minder werk;

$a - \frac{a}{6} \times 1$ waar die werknemer een dag per week minder werk;

In hierdie formule staan a gelyk aan die werknemer se verlofkrediet op die dag voor die verandering van sy werksweek.

(5) 'n Werknemer aan wie vakansieverlof toegestaan is vir 'n tydperk van minstens 14 aaneenlopende dae, mag op die dag voordat sy verlof 'n aanvang neem, die salaris of loon vooruit ontvang ten opsigte van die tydperk waarvoor vakansieverlof aan hom toegestaan is.

(6) As 'n werknemer bedank of die diens verlaat voordat sy vakansieverlof hom toekom, moet hy aan die raad al die loon, toelaes, ensovoorts terugbetaal wat hy ten opsigte van verlof met vol betaling ontvang het en wat hom ingevolge hierdie regulasie vooruit toegestaan is.

19. Die raad kan, waar 'n werknemer meer as 45 werksdae vakansieverlof tot sy krediet het, vereis dat sodanige werknemer minstens 21 werksdae verlof neem en wel gedurende die tydperk wat die raad bepaal.

20. Indien hierdie regulasies die uitwerking het dat 'n werknemer minder vakansieverlofvoorregte het as ingevolge die vorige diensvoorwaardes, behou sodanige werknemer sy verlofvoorregte ingevolge die vorige diensvoorwaardes as 'n persoonlike voorreg.

21. SIEKTEVERLOF:

Siekteverlof word soos hieronder uiteengesit, toegestaan:

(1) (a) Aan alle werknemers kan siekteverlof teen 120 dae met volle betaling en 120 dae met halwe betaling toegestaan word in 'n tydkring van drie jaar, wat behoudens die bepalings van subregulasie (10) bereken word vanaf die aanvangsdatum van die betrokke werknemer se aaneenlopende diens.

(b) Siekteverlof val toe aan 'n werknemer op die eerste dag van 'n tydkring en met ingang van daardie dag, kan die volle voorsiening vir die betrokke tydkring aan hom toegestaan word mits aan die bepalings van hierdie regulasies voldoen word: Met dien verstande dat gedurende die eerste jaar diens nie meer as 4 dae siekteverlof met volle betaling en 4 dae siekteverlof met halwe betaling vir elke voltooide maand diens aan 'n werknemer toegestaan mag word nie.

(c) Ongebruikte siekteverlof wat vir 'n bepaalde tydkring voorgeskryf is, verval aan die einde van die betrokke tydkring en kan nie na die volgende tydkring oorgedra word nie.

(2) (a) Siekteverlof word slegs toegestaan in verband met 'n werknemer se afwesigheid van diens weens 'n siekte, ongesteldheid of besering wat nie te wyte is aan sy wangedrag of gebrek aan behoorlike voorsorg nie.

his leave credit shall be calculated according to the following formula (leaving fractions of a day out of account) as from the date of the change in his working week:

$a - \frac{a}{7} \times 2$ where the employee works two days a week less;

$a - \frac{a}{6} \times 1$ where the employee works one day a week less.

In this formula a equals the employee's leave credit on the day before the change in his working week.

(5) An employee who is granted vacation leave for a period of at least 14 consecutive days may be paid salary or wages in advance in respect of the period for which vacation leave is granted to him, on the day before his leave begins.

(6) If an employee resigns or leaves the service before his vacation leave accrues he shall repay to the council all the wages, allowances, etc., which he has received in respect of leave with full pay and which have been granted to him in advance under this regulation.

19. The council may, where an employee has more than 45 working days vacation leave to his credit, require such employee to take at least 21 working days leave, during the period to be determined by the council.

20. If these regulations result in an employee having fewer vacation leave privileges than under the former conditions of service, such employee shall retain his leave privileges under the former conditions of service as a personal privilege.

21. SICK LEAVE:

Sick leave shall be granted as set out below:

(1) (a) All employees may be granted sick leave at 120 days on full pay and 120 days on half pay within a cycle of three years which, subject to the provisions of subregulation (10), shall be calculated from the date of beginning of such employee's continuous service.

(b) Sick leave accrues to an employee on the first day of a cycle and as from that day the full complement for the cycle concerned may be granted to him provided the provisions of these regulations are complied with: Provided that during the first year of service not more than 4 days sick leave on full pay and 4 days sick leave on halfpay for every completed month of service may be granted to an employee.

(c) Unused sick leave prescribed for any particular cycle shall lapse at the end of the cycle concerned and shall not be carried forward to the next cycle.

(2) (a) Sick leave shall be granted only in connection with an employee's absence from service on account of an illness, indisposition or injury not due to his misconduct or lack of proper precaution.

- (b) In verband met senuwee-aandoenings, slape-loosheid, swakte en dergelike minder goed omskrewe siektes of ongesteldhede word siekte-verlof slegs toegestaan as die raad oortuig is dat die applikant se gesondheidstoestand —
- (i) hom ongeskik maak vir sy werk; en
 - (ii) nie voortvloei uit sy versuim om van vakansieverlof gebruik te maak nie.
- (c) As 'n werknemer weens siekte van diens afwesig is vir 'n aaneenlopende tydperk van langer as drie dae, kan siekteverlof aan hom toegeken word slegs as hy 'n sertifikaat indien van 'n geneeskundige praktisyn of 'n tandheelkundige praktisyn waarin die aard van die siekte duidelik omskryf word en waarin verklaar word dat die werknemer nie in staat is om sy amppligte waar te neem nie en wat ook aantoon watter tydperk nodig is vir sy herstel (hierna 'n sertifikaat van ongesteldheid genoem).
- (d) Die raad kan na goeie oordeel eis dat 'n sertifikaat van ongesteldheid ook ten opsigte van tydperke van drie dae of minder ingedien word.
- (e) Ondanks andersluidende bepalings kan die raad indien hy daarvan oortuig is dat die werknemer se afwesigheid *bona fide* te wyte is aan siekte en dat daar goeie redes bestaan waarom 'n sertifikaat van ongesteldheid nie ingedien is nie, die werknemer van die indiening van sodanige sertifikaat vrystel ten opsigte van 'n aaneenlopende tydperk van siekteverlof van nie langer as 14 dae nie.
- (f) Siekteverlof met of sonder betaling ten opsigte waarvan 'n sertifikaat van ongesteldheid nie ingedien is nie, mag slegs toegestaan word vir altesaam 10 dae gedurende enige jaar eindigende op 31 Desember en enige verdere afwesighede moet gedek word deur die toestaan van vakansieverlof, of as die werknemer geen vakansieverlof tot sy krediet het nie, van vakansieverlof sonder betaling. Die bepalings van hierdie subregulasie is nie van toepassing op tydperke van afwesigheid ten opsigte waarvan vrystelling kragtens paragraaf (3) van hierdie subregulasie verleen is nie, en sodanige tydperke word ook nie ingereken by die vasstelling van die 10 dae nie.
- (3) Die raad kan te eniger tyd enige applikant om siekteverlof verplig om homself aan ondersoek deur 'n geneeskundige praktisyn of tandheelkundige praktisyn deur die raad aangewys, te onderwerp. Ingeval die sertifikaat van sodanige geneeskundige praktisyn of tandheelkundige praktisyn verskil van die sertifikaat van ongesteldheid wat die aansoek vergesel, kan die raad sodanige aansoek inkort of weier of ingeval die siekteverlof reeds toegestaan is, sodanige siekteverlof inkort of kanselleer, na gelang van die sertifikaat van sodanige geneeskundige praktisyn of tandheelkundige praktisyn.
- (4) As 'n werknemer aan wie vakansieverlof toegestaan is, siek word nadat sy vakansieverlof reeds 'n aanvang geneem het, kan daardie gedeelte van bedoelde vakansieverlof waartydens hy siek was in siekteverlof omgeskep word as —
- (a) die werknemer 'n sertifikaat van ongesteldheid indien waarin 'n geneeskundige praktisyn of tandheelkundige praktisyn sertifiseer dat
- (b) In connection with nervous complaints, sleeplessness infirmity and similar less well-defined illnesses or indispositions sick leave shall be granted only if the council is satisfied that the applicant's state of health —
- (i) makes him unfit for his work; and
 - (ii) does not arise from his default in making use of vacation leave.
- (c) If an employee is absent from duty on account of illness for a continuous period of more than three days, sick leave may be granted to him only if he submits a certificate from a medical practitioner or a dental practitioner in which the nature of the illness is clearly defined and in which it is declared that such employee is unable to perform his duties of office and which also indicates what period is necessary for his recovery (hereinafter called a certificate of indisposition).
- (d) The council may in its discretion require the submission of a certificate of indisposition also in respect of periods of three days or less.
- (e) Notwithstanding any provisions to the contrary the council may, if it is satisfied that the employee's absence was *bona fide* due to illness and that good reasons exist why a certificate of indisposition was not submitted, exempt such employee from the submission of such certificate in respect of a continuous period of sick leave of not more than 14 days.
- (f) Sick leave with or without payment in respect of which a certificate of indisposition was not submitted may be granted only for altogether 10 days during any year ending on 31 December and any further absences shall be covered by the granting of vacation leave or, if the employee has no vacation leave to his credit, vacation leave without pay. The provisions of this subregulation shall not apply to periods of absence in respect of which exemption under paragraph (3) of this subregulation is granted and such periods shall not be included in the calculation of the 10 days.
- (3) The council may at any time compel any applicant for sick leave to subject himself to examination by a medical practitioner or dental practitioner appointed by the council. If the certificate from such medical practitioner or the dental practitioner differs from the certificate of indisposition accompanying the application, the council may curtail or refuse to grant such sick leave or, if the sick leave has already been granted, curtail or cancel such sick leave according to the certificate of such medical practitioner or dental practitioner.
- (4) If an employee to whom vacation leave is granted, becomes indisposed after his vacation leave has begun, that portion of his vacation leave during which he is indisposed may be converted into sick leave if —
- (a) the employee submits a certificate of indisposition in which a medical practitioner or a dental practitioner certifies that the applicant has

die applikant gedurende die tydperk waarvoor siekteverlof aangevra word, in die bed moet bly; en

(b) die nodige siekteverlof beskikbaar is.

- (5) 'n Werknemer aan wie siekteverlof met halwe of sonder betaling toegestaan is en wat die nodige vakansieverlof tot sy krediet het, kan kies of hy vakansieverlof wil neem in plaas van siekteverlof met halwe of sonder betaling.
- (6) Enige tydperk van afwesigheid weens siekte hetsy teen volle of halwe betaling, word in alle opsigte as diens beskou.
- (7) By die toekenning van siekteverlof word die tydperk van afwesigheid bereken vanaf die eerste werksdag waarop die werknemer uit die diens afwesig is tot en met die werksdag wat die werksdag voorafgaan waarop diens aanvaar word en sluit Saterdag, Sondag en openbare vakansiedae in wat in daardie tydperk val.
- (8) Niks in hierdie regulasies vervat, verhinder die uitdienstreding van 'n werknemer op grond van swak gesondheid voordat die maksimum, of enige tydperk van siekteverlof, toegestaan is nie.
- (9) By die inwerkingtreding van hierdie regulasies, behou elke werknemer, wat dan in diens is, sy bestaande siekteverloftydkring van drie jaar ingevolge die vorige diensvoorwaardes indien van toepassing, en is sy siekteverlofkrediet vir die betrokke tydkring die aantal dae vermeld in subregulasie (1), minus die aantal dae siekteverlof wat hy gedurende die betrokke tydkring geneem het: Met dien verstande dat waar 'n werknemer nie geregtig was op siekteverlof op die basis van 'n bepaalde aantal dae oor 'n tydkring van drie jaar nie, 'n tydkring van drie jaar bepaal moet word met inagneming van die aanvangsdatum van sy aaneenlopende diens en sy siekteverlofkrediet bereken moet word deur die aantal dae siekteverlof wat werklik geneem is gedurende die tydkring wat soos voormeld bepaal is van die aantal dae vermeld in subregulasie (1) af te trek: Met dien verstande voorts dat indien die uitwerking van voorgaande bepalings sou wees dat 'n werknemer minder siekteverlof sou kry as ingevolge sy vorige diensvoorwaardes, hy sy siekteverlofvoordele onder sy vorige diensvoorwaardes moet behou.

22. BONUSVERLOF:

Die raad kan bonusverlof aan 'n werknemer toestaan na voltooiing van sodanige tydperk van aaneenlopende diens en met inagneming van sodanige omstandighede soos hy goedvind: Met dien verstande dat —

- (a) bonusverlof nie toegestaan kan word nie voordat 'n werknemer minstens vyf jaar aaneenlopende diens (verlof sonder betaling uitgesluit) by die betrokke raad voltooi het;
- (b) nie meer bonusverlof as 90 dae vir die eerste vyf jaar aaneenlopende diens en daarna 18 dae vir elke voltooide jaar aaneenlopende diens (verlof sonder betaling uitgeslote) 'n werknemer toekom nie;
- (c) bonusverlof nie aanwas ten opsigte van tydperke waartydens verlof sonder betaling geneem is nie;
- (d) die raad 'n tydperk van aaneenlopende diens van hoogstens vyf jaar voor die inwerkingtreding van hierdie regulasie (verlof sonder betaling uitgeslote) in aanmerking kan neem by die toekenning van bonusverlof waar werknemers nie ingevolge die vorige diensvoorwaardes op bonusverlof geregtig was nie;

to stay in bed during the period for which sick leave is applied; and

(b) the necessary sick leave is available.

- (5) An employee to whom sick leave is granted on half pay or without pay and who has the necessary vacation leave to his credit may choose whether he wishes to take vacation leave in place of sick leave on half pay or without pay.
- (6) Any period of absence on account of illness whether on half pay or without pay shall in all respects be deemed to be service.
- (7) In granting sick leave the period of absence shall be calculated from the first working day on which the employee is absent from work until and including the working day preceding the working day on which he assumes duty and shall include Saturdays, Sundays and public holidays falling within that period.
- (8) Nothing contained in these regulations shall preclude an employee from leaving the service on the grounds of ill-health before the maximum or any period of sick leave has been granted.
- (9) At the commencement of these regulations every employee who is then in service, shall retain his existing sick leave cycle of three years under the former conditions of service if applicable, and his sick leave credit for the cycle concerned shall be the number of days referred to in subregulation (1) minus the number of days sick leave which he has taken during the cycle concerned: Provided that where an employee was not entitled to sick leave on the basis of any particular number of days during a cycle of three years, a cycle of three years shall be determined with due allowance for the date of beginning of his continuous service and his sick leave credit shall be calculated by the deduction of the number of days of sick leave actually taken during the cycle determined as aforementioned from the number of days referred to in subregulation (1): Provided further that if the effect of the foregoing provisions is that an employee would receive less sick leave than under his former conditions of service, he shall retain his sick leave benefits under his former conditions of service.

22. BONUS LEAVE:

The council may grant an employee bonus leave after completion of such period of continuous service and with due allowance for such circumstances as it may deem fit: Provided that —

- (a) bonus leave shall not be granted before an employee has completed at least five years of continuous service (leave without pay excluded) with the council concerned;
- (b) not more than 90 days bonus leave for the first five years continuous service and thereafter 18 days for every completed year of continuous service (leave without pay excluded) shall accrue to any employee;
- (c) bonus leave shall not accrue in respect of periods in which leave without pay is taken;
- (d) the council may in granting bonus leave take into account a period of continuous service of not more than five years before the commencement of these regulations (leave without pay excluded) where employees were not entitled to bonus leave under the former conditions of service;

- (e) die raad in plaas van bonusverlof toe te staan, ten opsigte van die eerste vyf jaar en daarna jaarliks 'n kontantbedrag aan 'n werknemer kan betaal, wat by raadsbesluit bepaal word en wat nie meer mag wees as een dag se pensioendraende salaris en toelae van die betrokke werknemer op die dag van uitbetaling vir elke dag bonusverlof tot die werknemer se krediet nie;
- (f) bonusverlof wat nie geneem of uitbetaal word nie, kan ooploop tensy die raad anders bepaal of die ophoping daarvan beperk;
- (g) bonusverlof wat ingevolge die vorige diensvoorwaardes opgehoop het, geag word ooreenkomstig hierdie regulasies op te geloop het.

23. SPESIALE VERLOF:

- (1) Spesiale verlof met volle betaling kan aan 'n werknemer toegestaan word vir die volgende doeleindes en onderworpe aan die volgende voorwaardes:
 - (a) As 'n afgevaardigde of verteenwoordiger of deelnemer om vergaderings, konferensies of sportbyeenkomste by te woon, wat deur die raad erken word. „Verteenwoordiger” sluit hier ook 'n bestuurder, onderbestuurder of afrieter van 'n sportspan in;
 - (b) vir die doel van afsondering kragtens 'n mediese opdrag in belang van openbare gesondheid in gevalle waar die werknemer in aanraking was met iemand wat aan 'n aansteeklike of besmetlike siekte gely het of in 'n gebied vertoef het waar iemand aan 'n aansteeklike of besmetlike siekte gely het. 'n Mediese sertifikaat van 'n geneeskundige praktisyn moet die aansoek om spesiale verlof, vergesel;
 - (c) verlof in plaas van oortydbesoldiging: Behoudens die bepalinge van enige ander wet kan die raad aan 'n werknemer spesiale verlof met betaling toestaan in plaas van vergoeding vir oortydwerk te betaal;
 - (d) MILITÊRE VERLOF:
 - (i) Verlof om militêre diens te verrig: Die betrokke werknemer word tydens sodanige afwesigheid die verskil tussen sy militêre soldy en die normale besoldiging wat hy van die raad ontvang, betaal en behou hy die voordele van opgehoopde verlof: Met dien verstande dat die raad kan besluit om sodanige werknemer sy volle salaris of loon te betaal benewens enige militêre soldy wat hy tydens sy afwesigheid ontvang.
 - (ii) Verpligte militêre opleiding: Spesiale verlof word toegestaan aan 'n werknemer vir sodanige tydperke soos vir verpligte militêre opleiding nodig is ingevolge amptelike opdragte wat van tyd tot tyd deur die Verdedigingsmag uitgereik word en sodanige werknemer ontvang die verskil tussen sy militêre soldy en die normale besoldiging wat hy van die raad ontvang op voorwaarde dat hy 'n onderneming vervat in bylae A behoorlik voltooi ten opsigte van sy aanvanklike tydperk van verpligte militêre diens kragtens die Burgermagregulasies.
 - (iii) Nie-verpligte militêre opleiding, dit wil sê, opleiding wat nie in (ii) bedoel word nie:
Waar die raad verlof toestaan tot militêre opleiding wat nie verpligte opleiding is

- (e) the council may, instead of granting bonus leave, pay an employee in respect of the first five years and thereafter annually, a cash amount to be determined by decision of the council and which shall not be more than one day's pensionable salary and allowances of the employee concerned on the day of payment for every day of bonus leave to the credit of the employee;
- (f) bonus leave not taken or paid out may accumulate unless the council determines otherwise or limits the accumulation thereof;
- (g) bonus leave which has accumulated under the former conditions of service shall be deemed to have accumulated in accordance with these regulations.

23. SPECIAL LEAVE:

- (1) Special leave on full pay may be granted to an employee for the following purposes and subject to the following conditions:—
 - (a) As a delegate or representative or participant in order to attend meetings, conferences or sports gatherings, recognised by the council. "Representative" shall here include the manager, vice-manager or trainer of a sports team;
 - (b) for the purpose of isolation under a medical direction in the interests of public health where the employee was in contact with any person suffering from an infectious or contagious disease or stayed in an area where any person suffered from an infectious or contagious disease. A medical certificate from a medical practitioner shall accompany the application for special leave;
 - (c) leave instead of overtime remuneration: Subject to the provisions of any other law the council may grant an employee special leave with pay instead of compensation for overtime work;
 - (d) MILITARY LEAVE:
 - (i) Leave to perform military service: The employee concerned shall, during such absence, be paid the difference between his military pay and the normal remuneration which he receives from the council, and he shall retain the benefits of accumulated leave: Provided that the council may decide to pay such employee his full salary or wages in addition to any military pay he may receive during such absence.
 - (ii) Compulsory military training: Special leave shall be granted to an employee for such periods as may be required for compulsory military training under official directions issued from time to time by the Defence Force, and such employee shall receive the difference between his military pay and the normal remuneration received by him from the council, provided he duly completes an undertaking contained in Schedule A in respect of his initial period of compulsory military service under the Citizen Force Regulations.
 - (iii) Non-compulsory military training, that is, training not referred to in (ii):
Where the council grants leave for military training which is not compulsory

nie, kan die raad spesiale verlof toestaan vir die tydperk van afwesigheid vir sodanige opleiding teen sodanige besoldiging en onderhewig aan sodanige voorwaardes soos die raad bepaal.

(e) **ONGEVALLE:**

Indien 'n werknemer nie in staat is om sy pligte uit te voer nie, weens 'n ongeluk waarop die bepalings van die Ongevalle-wet 1941 (Wet 30 van 1941) op enige wyse van toepassing is, of wat gedek word deur die raad se versekeringspolis ten opsigte van werknemers wat nie werksmense ingevolge die betekenis van die Ongevalle-wet is nie, moet, ondanks enigiets vervat in laasgenoemde se dienskontrak met die raad, aan sodanige werknemer spesiale verlof met volle betaling toegestaan word vir die tyd wat hy nie in staat is om sy pligte uit te voer nie: Met dien verstande dat geen werknemer tydens sodanige ongeskiktheid geregtig is op gesamentlike betaling van die raad, die Ongevallekommissaris en die raad se versekeringsmaatskappy wat tot gevolg sal hê dat sy totale inkomste vir sodanige tydperk die bedrag van sy salaris wat hy gewoonlik van die raad ontvang, te bowe mag gaan nie.

(f) **GETUIES IN HOFSAKE EN GEDINGE:**

Elke werknemer wat 'n dagvaarding as getuie of enige ander bevel ontvang om 'n hofsitting by te woon of wat 'n hofsitting of vergadering van 'n ondersoekinstansie of raad moet bywoon om namens die raad getuie te lewer of stukke voor te lê of andersins in verband met sy ampspligte, woon die hof of vergadering in die loop van sy diens en as deel van sy pligte by, en hy ontvang daarvoor sy gewone besoldiging asook verblyfstoelae soos voorgeskryf in regulasie 31. Alle getuie en ander gelde wat hy ontvang, moet deur hom aan die raad terugbetaal word.

(g) **MENSLIKHEIDSREDES:**

As afwesigheid van diens genoodsaak word weens ernstige siekte of dood van enige ander persoon as die werknemer, en die werknemer geen vakansieverlof tot sy krediet het wat hy vir die doel kan neem nie, oorweeg die instansie wat ingevolge regulasie 25 (1) aangewys is die omstandighede, en kan die instansie hom spesiale verlof toestaan.

(h) **STUDIEVERLOF:**

- (i) Studieverlof met vol betaling word soos volg toegestaan ten einde werknemers in staat te stel om te studeer vir en deel te neem aan eksamens wat deur die raad goedgekeur is:
- (a) Een werksdag vir elke werksdag waarop eksamen afgelê word; plus
 - (b) twee bykomende werksdae, wat nie die dae is waarop eksamen afgelê word nie, vir elke dag waarop eksamen afgelê word.
- (ii) Die studieverlof bedoel in (i) (b) mag nie vroeër as sestig dae voor die dag waarop die eksamen ten opsigte waarvan dit toegestaan is, afgelê word, geneem word nie.
- (iii) Studieverlof mag slegs twee keer ten opsigte van dieselfde vak of jaargang toegestaan word;

training, it may grant special leave for the period of absence for such training at such remuneration and subject to such conditions as the council may determine.

(e) **CASUALTIES:**

If an employee is unable to perform his duties on account of an accident to which the provisions of the Workmen's Compensation Act, 1941 (Act 30 of 1941) are in any way applicable, or which is covered by the council's insurance policy in respect of employees who are not workmen within the meaning of the Workmen's Compensation Act, such employee shall, notwithstanding anything contained in the latter's contract of service with the council, be granted special leave on full pay for the period during which he is unable to perform his duties: Provided that no employee shall during such period of unfitness be entitled to join payment by the council, the Workmen's Compensation Commissioner and the council's insurance company which would result in his total income for such period exceeding the amount of the salary which he normally receives from the council;

(f) **WITNESSES IN COURT CASES AND ACTIONS:**

Every employee who receives a summons as witness or any other order to attend a sitting of the court or who has to attend a sitting of the court or a meeting of an investigation body or board to give evidence or submit documents on behalf of the council or otherwise in connection with his official duties, shall attend the court or meeting in the course of and as part of his duties and shall receive therefor his normal remuneration as also a subsistence allowance as prescribed in regulation 31. All witness and other fees which he may receive, shall be repaid by him to the council.

(g) **REASONS OF HUMANITY:**

If absence from duty is necessitated on account of the serious illness or death of any person other than the employee and the employee has no vacation leave to his credit which he can take for the purpose, the authority designated under regulation 25 (1) shall consider the circumstances and may grant him special leave.

(h) **STUDY LEAVE:**

- (i) Study leave on full pay shall be granted as follows in order to enable employees to study for and write examinations approved by the council:—
- (a) One working day for every working day on which examinations are held; plus
 - (b) two additional working days, not being the days on which examinations are held, for every day on which examinations are held.
- (ii) The study leave referred to in (i) (b) shall not be taken earlier than sixty days before the day on which the examinations, in respect of which it has been granted, are held.
- (iii) Study leave may be granted only twice in respect of the same subject or year.

(2) ANDER SPESIALE DOELEINDES:

- (i) Spesiale verlof met of sonder betaling kan onder die volgende omstandighede aan werknemers toegestaan word: Met dien verstande dat waar verlof sonder betaling deur enige werknemer geneem word sy salarisverhogingsdatum en die datum waarop verlofbonus betaalbaar is met dieselfde aantal dae uitgestel moet word en dat verlof sonder betaling nie as diens vir die berekening van 'n werknemer se verlofkrediet beskou mag word nie:—
- (a) Sonder betaling indien 'n werknemer geen vakansieverlof tot sy krediet het nie en die raad oortuig is dat buitengewone omstandighede bestaan wat die bestaan van verlof regverdig;
- (b) 'n werknemer aan wie die maksimum tydperk van siekteverlof waarop hy geregtig is, toegestaan is en wat na verstryking daarvan deur swak gesondheid nog ongeskik is om sy pligte doeltreffend uit te voer, kan 'n verdere tydperk van verlof sonder betaling na goeëduke van die raad en by vertoning van 'n bevredigende sertifikaat van ongesteldheid dat verdere verlof noodsaaklik is, toegestaan word;
- (c) met of sonder betaling, na goeëduke van die raad vir enige spesiale doel wat deur die raad goedgekeur word.
- (ii) 'n Aansoek om spesiale verlof moet gestaaf word deur sodanige sertifikaat of bewys wat die raad oortuig dat die aangevraagde verlof in ooreenstemming is met die bepalings van hierdie paragraaf.

24. ALGEMENE BEPALINGS RAKENDE VERLOF VAN AFWESIGHEID:

- (1) Alle verskuldigde verlof, toegekende verlof en gebruikte verlof moet opgeteken word in 'n verlofregister wat daarvoor aangehou moet word. Sodanige register moet te alle redelike tye gedurende kantoorure beskikbaar wees ter insae van enige werknemer. Alle verskuldigde verlof moet by die voltooiing van elke jaar van diens wat die werknemer lewer in die verlofregister opgeteken word.
- (2) Wanneer daar per abuis, maar te goeder trou, aan 'n werknemer meer verlof toegestaan en deur hom gebruik word as wat hom ingevolge hierdie regulasies toekom, kan sodanige oortoekeening van verlof met die Raad se goedkeuring afgetrek word van die verlof wat sodanige werknemer daarna verdien.
- (3) 'n Werknemer wat met goedgekeurde verlof afwesig is, mag nie vrywillig na sy diens terugkeer voor die volle tydperk van sodanige verlof verstryk het nie of tensy hy vooraf toestemming van die betrokke hoof van die departement daartoe verkry het nie, of in geval van 'n departementshoof, die goedkeuring van die stadsklerk of burgemeester daartoe verkry is nie, en in die geval van die stadsklerk, goedkeuring deur die burgermeester daartoe verleen is nie.
- (4) Verlof, behalwe siekteverlof, wat aan 'n werknemer toegestaan is, kan te eniger tyd ingetrek word as die behoeftes van die diens dit vereis: Met dien verstande dat wanneer 'n werknemer van sy verlof teruggeroep word, hy met die onverstreke deel van sy verlof in die verlofregister gekrediteer moet word, en die raad moet alle redelike bykomende uitgawes deur die werknemer aangegaan en wat na die mening van die raad aangegaan moes word omdat hy teruggeroep is, dra.

OTHER SPECIAL PURPOSES:

- (2) (i) Special leave with or without pay may be granted to employees under the following circumstances: Provided that where leave without pay is taken by any employee his salary increase date and the date on which his leave bonus is payable shall be extended by the same number of days and that leave without pay shall not be deemed to be service for the calculation of an employee's leave credit:—
- (a) Without pay if an employee has no vacation leave to his credit and the council is satisfied that extraordinary circumstances exist which justify the granting of leave;
- (b) an employee who has been granted the maximum period of sick leave to which he is entitled and who, after expiry thereof, is on account of ill-health still unfit to perform his duties efficiently, may be granted a further period of leave without pay in the discretion of the council and on production of a satisfactory certificate of indisposition to the effect that further leave is essential;
- (c) with or without pay in the discretion of the council for any special purpose which may be approved by the council.
- (ii) An application for special leave shall be supported by such certificate or proof as will satisfy the council that the leave applied for is in accordance with the provisions of this paragraph.

24. GENERAL PROVISIONS IN RESPECT OF LEAVE OF ABSENCE:

- (1) All leave owing, leave granted and leave used shall be recorded in a leave register which shall be kept for the purpose. Such register shall at all reasonable times during office hours be available for inspection by any employee. All leave owing shall at the completion of every year of service rendered by the employee, be recorded in the leave register.
- (2) When an employee has by oversight but in good faith been granted more leave than is due to him under these regulations and such leave is used by him, such over-grant of leave may, with the council's approval be deducted from leave subsequently earned by such employee.
- (3) An employee who is absent on approved leave, shall not return to duty voluntarily before the full period of such leave has expired or unless he has beforehand obtained permission thereto from the head of the department concerned or, in the case of the head of a department, has obtained permission thereto from the town clerk or mayor and, in the case of a town clerk, has obtained permission thereto from the mayor.
- (4) Leave, with the exception of sick leave, granted to an employee, may at any time be withdrawn if the exigencies of the service require it: Provided that when an employee is recalled from his leave, he shall be credited with the unexpired part of his leave in the leave register, and the council shall bear all reasonable additional expenses incurred by the employee, which, in the opinion of the council, had to be incurred because of his recall.

25. (1) Aansoeke om verlof kragtens hierdie regulasies word deur die instansie wat deur die raad aangewys is, goedgekeur en enige verwysing na die raad, in hierdie hoofstuk, kan na goeëdunke van die raad, geag 'n verwysing na sodanige instansie te wees.

(2) Aansoek om verlof word gedoen op 'n vorm deur die raad voorgeskryf. Voordat die instansie wat verlof moet goedkeur dit oorweeg, moet die verantwoordelike werknemer sertifiseer dat die aangevraagde verlof beskikbaar is.

(3) Onmiddellik nadat 'n aansoek om verlof goedgekeur is, moet die aansoek na die verantwoordelike amptenaar deurgestuurd word wat moet sorg dat die nodige aantekening in die verlofregisters aangebring word en die aansoek vir rekorddoeleindes geliasseer word.

26. Behoudens die bepalings van enige wet, kan die raad, indien hy van mening is dat die vereistes van die diens sodanig is dat 'n werknemer nie die verlof tot sy krediet toegestaan kan word nie, sodanige verlof weier: Met dien verstande dat, indien die raad hierdie bevoegdheid aan 'n laer instansie oorgedra het die werknemer, die reg het om deur middel van die stadsklerk na die raad te appelleer.

27. Waar verlof wat ingevolge hierdie regulasie vir enige besondere doel toegestaan is, na die mening van die raad misbruik word, kan dit dadelik ingetrek word en kan die raad enige verlof wat alreeds geneem is, afskrywe teen opgeloopte vakansieverlof of bonusverlof of teen sodanige vakansieverlof of bonusverlof soos nog kan ooploop.

28. (1) Elke werknemer wat 'n hofgeding aanhangig maak of verdedig, moet van sy gewone verlof vir die doel gebruik maak of indien hy geen verlof tot sy krediet het nie, verlof sonder betaling neem.

(2) Elke werknemer wat 'n dagvaarding as getuie of enige ander bevel ontvang om 'n hofsitting by te woon, moet die hoof van sy departement onmiddellik daarvan in kennis stel, dat daar, waar nodig, reëlins getref kan word vir die waarneming van sy pligte terwyl hy die hofsitting bywoon.

29. Tensy anders vermeld, word alle tydperke van verlof bereken vanaf en met die eerste werksdag waarop die werknemer met verlof is tot en met die werksdag voor die werksdag waarop hy weer diens aanvaar.

26. (1) Applications for leave under these regulations shall be approved by the authority designated by the council and any reference to the council in this chapter may in the discretion of the council be deemed to be a reference to such authority.

(2) Application for leave shall be made on a form prescribed by the council. Before the authority approving leave considers such leave, the responsible employee shall certify that the leave applied for is available.

(3) Immediately after an application for leave has been approved, the application shall be forwarded to the responsible officer who shall ensure that the necessary entry is made in the leave registers and that the application is filed for record purposes.

26. Subject to the provisions of any law the council may, if it is of the opinion that the exigencies of the service are such that an employee cannot be granted the leave standing to his credit, refuse such leave: Provided that, if the council has transferred this power to a lower authority, the employee shall have the right to appeal to the council through the town clerk.

27. Where leave, which under these regulations has been granted for any particular purpose, is in the opinion of the council being abused, it may forthwith be withdrawn and the council may write off any leave already taken against accumulated vacation leave or bonus leave or against such vacation leave or bonus leave as may still accumulate.

28. (1) Every employee who institutes or defends a court case shall use his ordinary leave for the purpose or, if he has no leave to his credit, take leave without pay.

(2) Every employee receiving a summons as witness or any other order to attend a court sitting, shall notify the head of his department thereof immediately, in order that where necessary arrangements may be made for the performance of his duties while he attends the court sitting.

32. Unless otherwise stated all periods of leave shall be calculated from and including the first working day on which the employee is away on leave until and including the working day before the working day on which he again assumes duty.

HOOFSTUK VI.

30. TOELAES:

Terugbetaling van vervoerkoste:

(1) (a) Behoudens subregulasie (3) kan die raad aan 'n werknemer wat in die Republiek van Suid-Afrika of in Suidwes-Afrika maar buite die betrokke munisipale gebied gewerf is en wat in 'n permanente hoedanigheid aangestel is, onderstaande gelde na indienstrede, betaal:

(i) Vervoerkoste tot 'n maksimum bedrag wat gelykstaan aan die prys van 'n eersteklas-treinkaartjie vir die betrokke werknemer en sy afhanklikes, waar die werknemer teen 'n salaris van R2,100 per jaar of meer aangestel is en van 'n tweedeklas-treinkaartjie vir 'n werknemer en sy afhank-

CHAPTER VI.

30. ALLOWANCES:

Repayment of transport costs:

(1) (a) Subject to subregulation (3) the council may pay an employee who has been recruited in the Republic of South Africa or in South West Africa but outside the municipal area concerned and who has been appointed in a permanent capacity, the following moneys after assumption of duty:—

(i) Transport costs to a maximum amount equal to the price of a first class train ticket for the employee concerned and his dependants, where the employee has been appointed at a salary of R2,100 a year or more, and of a second class train ticket for an employee and his dependants in

likes in ander gevalle en wel vanaf die spoorwegstasie of spoorwegbushalte naaste aan die werknemer se vorige verblyfplek na die spoorwegstasie of spoorwegbushalte naaste aan die munisipaliteit;

- (ii) vervoerkoste wat die werknemer aangegaan het om sy persoonlike besittings tot in die munisipale gebied te bring maar beperk tot 'n maksimum bedrag gelyk aan die spoorwegtarief bereken teen die huishoudelike verskuiwingstarief ten opsigte van 'n gewig van 14,000 pond ook bereken vanaf die spoorwegstasie of spoorwegbushalte naaste aan die werknemer se vorige verblyfplek na die spoorwegstasie of spoorwegbushalte naaste aan die munisipaliteit;

- (iii) 'n verblyftoelae van R5.00 per dag van 24 uur of 20c per uur vir enige tydperk minder as 24 uur ten opsigte van die werknemer self en elke afhanklike persoon ouer as twaalf jaar vanaf die tyd van vertrek tot die tyd van aankoms in die munisipaliteit. Vir afhanklike kinders jonger as twaalf jaar is die toelae R2.50 per dag van 24 uur of 10c per uur vir enige tydperk minder as 24 uur.

Gebruik sodanige werknemer 'n ander vervoermiddel, word hy terugbetaal asof hy en sy gesin per trein gereis het.

- (2) Die raad kan by wyse van spesiale ooreenkoms aan 'n werknemer wat buite die Republiek van Suid-Afrika en Suidwes-Afrika gewerf is, die volgende betaal:

- (a) Die werklike reiskoste van die werknemer, sy eggenote en sy afhanklike kinders vanaf die plek waar hy woonagtig was tot in die munisipale gebied.

- (b) 'n Verblyftoelae van R5.00 per dag of *pro rata* vir gedeeltes van 'n dag vir die werknemer, sy eggenote en sy afhanklike kinders bo 12 jaar vanaf die tyd van vertrek tot die tyd van aankoms in die munisipale gebied. Vir kinders jonger as twaalf jaar is die toelae R2.50 per dag of *pro rata* vir gedeeltes van 'n dag.

- (c) Die vervoerkoste van sy persoonlike besittings vanaf sy vorige woonplek of vanaf Suid-Afrika of Suidwes-Afrika se grens, na gelang van die geval, volgens die basis neergelê in regulasie 33 (1) (a) (ii).

- (3) Die raad kan met 'n werknemer ooreenkom om die vervoerkoste en toelaes waarna in subregulasies (1) en (2) verwys word by diensaanvaarding of 'n tyd daarna te betaal en dat 'n gedeelte van of die hele bedrag teruggevorder kan word indien die werknemer binne 'n bepaalde tyd die raad se diens verlaat.

- (4) Elke aansoek om vervoerkoste en toelae ingevolge subregulasies (1) of (2) moet skriftelik voorgelê word en moet tot bevrediging van die raad gesteen word.

31. TOELAES BY AFWESIGHEID WEENS DIE RAAD SE PLIGTE:

- (1) Die raad betaal aan werknemers wat hy gelas om vir amptelike sake te reis of wat hy toelaat om konferensies by te woon:

other cases, from the railway station or railway bus halt nearest to the employee's former place of residence to the railway station or railway bus halt nearest to the municipality;

- (ii) transport costs incurred by the employee in bringing his personal effects to the municipal area but limited to a maximum amount equal to the railway tariff calculated at the domestic removal tariff in respect of a weight of 14,000 lbs., also calculated from the railway station or railway bus halt nearest to the employee's former place of residence to the railway station or railway bus halt nearest to the municipality;

- (iii) a subsistence allowance of R5.00 a day of 24 hours or 20c an hour for any period less than 24 hours in respect of the employee himself and every dependent person older than twelve years, from the time of departure to the time of arrival in the municipality. For dependent children under twelve years the allowance shall be R2.50 a day of 24 hours or 10c an hour for any period less than 24 hours.

Where such employee makes use of other means of transport he shall be repaid as if he and his family had travelled by train.

- (2) The council may by way of a special agreement pay an employee recruited from outside the Republic of South Africa and South West Africa the following:

- (a) The actual travelling costs of the employee, his wife and his dependent children from the place where he resided to the municipal area;

- (b) subsistence allowance of R5.00 a day or *pro rata* for portions of a day for the employee, his wife and his dependent children above 12 years of age from the time of his departure to the time of arrival in the municipal area. For children under the age of twelve years the allowance shall be R2.50 a day or *pro rata* for portions of a day;

- (c) the transport costs in respect of his personal effects from his former place of residence or from South Africa or South West Africa's borders, as the case may be, according to the basis provided in regulation 33 (1) (a) (ii).

- (3) The council may come to an agreement with an employee to pay the transport costs and allowances referred to in subregulations (1) and (2) on assumption of duty or some time thereafter and that a portion of or the whole amount may be reclaimed if the employee should leave the council's service within a certain time.

- (4) Every application for transport costs and allowances under subregulation (1) or (2) shall be submitted in writing and shall be supported to the satisfaction of the council.

31. ALLOWANCES DURING ABSENCE ON THE COUNCIL'S BUSINESS:

- (1) The council shall pay to employees whom it directs to travel on official business or allows to attend conferences:—

- (a) in die geval waar die tydperk van afwesigheid langer as 24 uur is, 'n toelae van R10.00 per dag en 43c per uur vir enige tydperk minder as 24 uur van die tyd van hul vertrek van die betrokke munisipaliteit tot die tyd van hulle terugkeer, met uitsluiting van tyd wat hulle spesifiek aan hul private sake bestee het; en
- (b) in die geval waar die tydperk van afwesigheid minder as 24 uur is, die bedrae wat werklik en noodwendig in hul afwesigheid uitgegee is.
- (2) Die raad betaal die vervoerkoste waarby ingesluit is spookoste, lugvervoerkoste, versekering en die toelae vir die gebruik van private vervoer wat die raad bepaal: Met dien verstande dat as 'n werknemer meer uitgegee het die totale bedrag van die toelaes aan hom betaalbaar, ingevolge hierdie regulasie, vir verblyfkoste, huurmotorgelde en ander uitgawes wat die raad as redelik beskou, die raad die werknemer na goeddunke daarvoor kan vergoed by indiening van bevredigende bewyse van sy uitgawes in stede daarvan om aan hom 'n toelae ingevolge hierdie regulasie te betaal.

32. TOELAES VIR GEBRUIK VAN PRIVATE MOTOR:

- (1) Aan 'n werknemer wat sy private motor met goedkeuring van die raad in die loop van sy pligte binne die munisipale gebied moet gebruik, word 'n vervoertoelae betaal vir die tydperk waarin hy werklik sodanige voertuig in die raad se diens gebruik, ooreenkomstig die volgende skaal:

<i>Enjinslagvolum</i>	<i>Myltoelaag</i>
Tot en met 750 c.c.	7.8c per myl
751 c.c. tot 1350 c.c.	8.6c per myl
1351 c.c. tot 2500 c.c.	10.0c per myl
2501 c.c. tot 3500 c.c.	11.4c per myl
3501 c.c. tot 5000 c.c.	12.4c per myl
Bo 5000 c.c.	15.4c per myl

- (2) Nieteenstaande subregulasie (1) kan die raad by besluit bepaal dat 'n vaste maandelikse bedrag wat in enige geval nie meer as R25.00 per maand mag wees nie, betaal word aan 'n werknemer wat sy private motor in die munisipale gebied in die uitvoering van sy pligte gebruik.

33. WAARNEMENDE TOELAE EN TOELAES IN VERBAND MET BYKOMENDE PLIGTE:

- (1) Wanneer 'n werknemer in 'n hoër betrekking optree kan die raad aan sodanige werknemer na goeddunke 'n waarnemende toelae betaal: Met dien verstande dat sodanige waarnemende toelae nie meer mag wees as die verskil tussen die minimum salaris verbonde aan die betrokke werknemer se eie betrekking en die minimum salaris verbonde aan die betrekking waarin hy waarneem nie.
- (2) Die raad kan toelaes ten opsigte van bykomende pligte om enige rede uitgevoer deur werknemers, betaal: Met dien verstande dat die toelaes betaalbaar deur munisipaliteite genoem in deel II van die vyfde bylae van die ordonnansie deur die Administrateur goedgekeur moet word en toelaes betaalbaar deur munisipaliteite genoem in deel I van die vyfde bylae van die ordonnansie in die jaarlikse begroting voorsien moet wees: Met dien verstande voorts dat betaling vir bykomende pligte uitgevoer in 'n vorige boekjaar in 'n latere boekjaar goedgekeur of voorsien kan word en gedurende laasgenoemde boekjaar uitbetaal kan word.

- (a) in cases where the period of absence is longer than 24 hours, an allowance of R10.00 a day and 43c an hour for any period less than 24 hours, from the time of their departure from the municipality concerned to the time of their return, excluding any time which they spend specifically on their private affairs; and
- (b) in cases where the period of absence is less than 24 hours, the amounts actually and necessarily spent during their absence.
- (2) The council shall pay the transport costs including rail costs, air transport costs, insurance and the allowance for the use of private transport as the council may determine: Provided that if an employee has spent more than the total amount of the allowances payable to him under this regulation, for subsistence costs, taxi fees and other expenses, which the council deems reasonable, the council may, in its discretion, compensate the employee therefor on the submission of satisfactory proof of his expenses, instead of paying him an allowance under this regulation.

32. ALLOWANCES FOR USE OF PRIVATE MOTOR CAR:

- (1) An employee who has to use his private motor car with the approval of the council in the course of his duties within the municipal area shall be paid a transport allowance for the period in which he actually uses such vehicle in the service of the council, according to the following scale:

<i>Engine swept volume</i>	<i>Mile allowance</i>
Up to and including 750 c.c.	7.8c per mile
751 c.c. to 1350 c.c.	8.6c per mile
1351 c.c. to 2500 c.c.	10.0c per mile
2501 c.c. to 3500 c.c.	11.4c per mile
3501 c.c. to 5000 c.c.	12.4c per mile
Above 5000 c.c.	15.4c per mile

- (2) Notwithstanding the provisions of subregulation (1) the council may by resolution determine that a fixed monthly amount which shall in no case exceed R25.00 a month, shall be paid to an employee who uses his private motor car in the municipal area in the performance of his duties.

33. ACTING ALLOWANCE AND ALLOWANCES IN CONNECTION WITH ADDITIONAL DUTIES:

- (1) When an employee acts in a higher post the council may pay such employee in its discretion an acting allowance: Provided that such acting allowance shall not exceed the difference between the minimum salary attached to such employee's own post and the minimum salary attached to the post in which he acts.
- (2) The council may pay allowances in respect of additional duties performed for any reason by employees: Provided that allowances payable by municipalities mentioned in Part II of the fifth schedule of the ordinance shall be approved by the Administrator and allowances payable by municipalities mentioned in Part I of the fifth schedule of the ordinance shall be provided in the annual estimates: Provided further that payment for additional duties performed in a previous financial year may be approved or provided for in a later financial year and paid out in the last-mentioned financial year.

- (3) Behoudens subregulasie (2) en tensy die raad met die werknemer anders ooreenkom, het geen werknemer aanspraak op enige besoldiging ten opsigte van bykomende pligte om watter rede ook al wat hy uitvoer nie.

34. VAKANSIEBONUS:

Indien die raad nie bonusverlof vir sy werknemers ooreenkomstig regulasie 22 ingestel het nie, kan hy jaarliks op 'n datum wat by raadsbesluit bepaal word, aan elke werknemer wat minstens een jaar aaneenlopende diens voltooi het, die volgende betaal:

- (1) Aan elke manlike werknemer 'n vakansiebonus bereken op die volgende grondslag:
 - (a) Nie meer as R45 ten opsigte van homself;
 - (b) Nie meer as R25 ten opsigte van sy eggenote;
 - (c) Nie meer as R12 ten opsigte van elke afhanklike kind wat nie ouer as 16 jaar is nie;
- (2) Aan elke vroulike werknemer wie se eggenoot nie in diens van die raad is nie, 'n vakansiebonus van nie meer as R45 nie: Met dien verstande dat in gevalle waar 'n vroulike werknemer die enigste broodwinner van haar gesin is, sy dieselfde verlofbonus as 'n manlike werknemer kan ontvang met uitsluiting van paragraaf (b) hierbo.

HOOFSTUK VII.

35. ALGEMENE BEPALINGS:

- (1) Geen werknemer mag enige voertuig, werktuig, gereedskap of enige goedere of materiaal hoegenaamd, wat die eiendom van die raad is, gebruik of toelaat dat dit gebruik word of 'n ondergeskikte werknemer beveel om dit te gebruik vir enige doel behalwe in die diens van die raad nie: Met dien verstande dat die raad 'n werknemer kan toelaat om sy gesin op goedgekeurde ritte te vervoer mits die raad behoorlik gevrywaar word teen eise.
- (2) Geen werknemer mag enige voertuig, werktuig, gereedskap of enige goedere of materiaal hoegenaamd, wat die eiendom van die raad is, verwyder of toelaat dat dit verwyder word, of 'n ondergeskikte werknemer beveel om dit te verwyder nie, behalwe met die doel om dit elders in die diens van die raad te gaan gebruik of dit na 'n goedgekeurde bergplek behorende aan of onder beheer van die raad te neem met die doel om dit daar te bêre.

36. Geen werknemer mag enige ander werknemer toelaat om gedurende sy normale werksure of gedurende tye waarvoor die betrokke werknemer oortyd betaal word, enige werk te doen as sodanige werk nie in verband staan met die diens nie.

37. Geen werknemer mag opsetlik of nalatig enige voertuig, werktuig, of gereedskap of enige eiendom van die raad vernietig, beskadig of verniel of toelaat dat dit gedoen word nie.

38. (1) Indien die raad meen dat dit vir enige werknemer nodig is om 'n motorvoertuig te gebruik in die uitvoering van sy pligte, kan die raad 'n voertuig wat die eiendom van die raad is, ter beskikking van die betrokke werknemer stel vir gebruik in die diens. Die werknemer is verplig om sodanige voertuig te bestuur mits hy die nodige lisensie het en is nie geregtig op enige bykomende vergoeding bo en behalwe sy normale besoldiging omdat hy die voertuig moet bestuur nie. Die stadsklerk kan, indien hy dit nodig ag, van 'n werknemer verwag om be-

- (3) Subject to subregulation (2) and unless the council comes to some other agreement with the employee, no employee shall have any claim to any remuneration in respect of additional duties performed by him for any reason whatsoever.

34. VACATION BONUS:

If the council has not instituted bonus leave for its employees under regulation 22, it may annually on a date determined by resolution of the council make to every employee who has completed at least one year of continuous service the following payment:

- (1) To every male employee a vacation bonus calculated on the following basis:
 - (a) Not more than R45 in respect of himself;
 - (b) not more than R25 in respect of his wife;
 - (c) not more than R12 in respect of every dependant child not older than 16 years;
- (2) to every female employee whose husband is not in the service of the council a vacation bonus of not more than R45: Provided that in cases where a female employee is the only breadwinner of her family, she may receive the same leave bonus as a male employee with the exception of paragraph (b) above.

CHAPTER VII.

35. GENERAL PROVISIONS:

- (1) No employee shall use, or permit the use of, or order any subordinate employee to use, any vehicle, tool, implement or any goods or materials whatsoever which are the property of the council, for any purpose except in the service of the council: Provided that the council may allow an employee to transport his family on approved trips if the council is properly indemnified against claims.
- (2) No employee shall remove, or permit the removal of, or order any subordinate employee to remove, any vehicle, tool, implement or any goods or materials whatsoever, which are the property of the council, except for the purpose of using it elsewhere in the service of the council or of taking it to an approved place of storage belonging to or under the control of the council for the purpose of storing it.

36. No employee shall permit any other employee to do any work during his normal working hours or during times for which such employee is paid overtime, if such work is not connected with the service.

37. No employee shall wilfully or negligently destroy, or damage or permit the destruction or damage of any vehicle, tool or implement or any property of the council.

38. (1) If the council is of the opinion that it is necessary for any employee to use a motor vehicle in the performance of his duties the council may make a vehicle which is the property of the council available to such employee for use in the service. The employee shall be obliged to drive such vehicle if he has the necessary licence and shall not be entitled to any compensation in addition to his normal remuneration for driving the vehicle. The town clerk may, if he deems it necessary, require an employee to keep proper record of all trips taken

hoorlike aantekening te hou van al die reise afgelê met die voertuie in die vorm en op die wyse deur die stads-klerk voorgeskryf in 'n boek wat as 'n ritboek bekend staan.

(2) Enige werknemer van wie dit verlang word om 'n ritboek te hou vir welke doel ook al en wat versuim om dit te doen of enige valse inskrywing daarin maak, is skuldig aan 'n oortreding van hierdie regulasies.

39. (1) Benewens die dra van beskermende klere soos bepaal in die Ordonnansie op Fabriekke, Masjinerie en Bouwerk 1952 (Ordonnansie 34 van 1952) kan —

- (a) die raad sodanige beskermende klere of uniforms soos hy nodig ag aan werknemers voorsien of kan die raad 'n toelae aan werknemers betaal wat ingevolge besluit van die raad beskermende klere of uniforms moet dra en wat dit self moet voorsien.
- (b) Elke werknemer wat daartoe gelas word om van beskermende klere of uniforms gebruik te maak moet sodanige beskermende klere of uniforms dra wanneer dit nodig is of wanneer die raad die dra daarvan gelas.
- (c) Die hoof van die betrokke departement moet toesien dat die beskermende klere of uniforms of dit deur die raad of deur die werknemer voorsien word, te alle tye na gelang van omstandighede, voldoende beskerming aan die werknemer bied, en om uitvoering hieraan te gee, het die betrokke hoof van departement die reg om, indien 'n werknemer wat 'n toelae ontvang om die beskermende klere of uniforms self te voorsien, versuim om dit na wense van die betrokke hoof in stand te hou, die beskermende klere of uniform ten behoeve van die werknemer aan te koop en om sy toelae terug te hou tot dat die koste daarvan gedelg is.

(2) Beskermende klere of uniforms bly die eiendom van die raad behalwe waar die werknemer self daarvoor betaal, maar die raad kan, as 'n vergunning, 'n werknemer toelaat om sy beskermende klere of uniform te behou wanneer hy aftree. In ander gevalle moet beskermende klere of uniforms by die betrokke hoof van die departement ingegee word by ontvangs van nuwes of as 'n werknemer die diens verlaat.

(3) 'n Werknemer wat van uniforms en kentekens voorsien is, moet, wanneer hy op diens is in 'n netjiese, skoon en volledige uniform verskyn met kentekens behoorlik vertoon.

(4) Vir die doeleindes van hierdie regulasie sluit die woorde „beskermende klere” alle voorgeskrewe kleredrag in soos oorpakke, beskermende skoene, uniforms, valhelms, kentekens, sweisbrille, handskoene, lyfbande en enige ander soortgelyke klere of toerusting of kentekens wat van tyd tot tyd òf by wetgewing òf by raadsbesluit voorgeskryf word.

40. (1) 'n Werknemer mag geen kommissie, gelde of vergoeding, geldelik of andersins (wat nie sy besoldiging, toelaes of ander gelde is wat deur die raad aan hom betaalbaar is nie) ten opsigte van die uitvoering van sy werk eis of aanneem nie. 'n Werknemer moet sy onmiddellike hoof onmiddellik van die aanbod van sodanige kommissie, geld of vergoeding in kennis stel.

(2) Enige gelde of betalings deur 'n werknemer ontvang uit hoofde daarvan dat hy namens die raad in enige hoedanigheid opgetree het, of ten opsigte van enige diens gedurende werksure gelewer, moet in die inkomste van die raad gestort word.

with the vehicle in the form and manner prescribed by the town clerk in a book to be known as a logbook.

(2) Any employee who is required to keep a logbook for any purpose whatsoever and who fails to do so or who makes any false entry therein, shall be guilty of a contravention of these regulations.

39. (1) In addition to the wearing of protective clothing as provided in the Factories, Machinery and Building Work Ordinance, 1952 (Ordinance 34 of 1952) —

- (a) the council may provide such protective clothing or uniforms as it may deem necessary to employees or may pay an allowance to employees who under a resolution of the council shall wear protective clothing or uniforms and who shall provide such protective clothing or uniforms themselves.
- (b) Every employee who is ordered to use protective clothing or uniforms shall wear such protective clothing or uniforms when necessary or when the council orders the wearing thereof.
- (c) The head of the department concerned shall ensure that the protective clothing or uniforms whether provided by the council or by any employee, shall at all times, according to circumstances, offer sufficient protection to such employee, and to carry this provision into effect the head of the department concerned shall be entitled, if an employee who receives an allowance to provide protective clothing or uniforms himself, fails to maintain such protective clothing or uniforms to the satisfaction of the head concerned, to purchase such protective clothing or uniforms on behalf of such employee and to withhold his allowance until the cost thereof has been redeemed.

(2) Protective clothing or uniforms shall remain the property of the council except where the employee pays therefor himself, but the council may, as a concession, allow the employee to keep his protective clothing or uniform when he retires. In other cases protective clothing or uniforms shall be handed in to the head of the department concerned on receipt of new protective clothing or uniforms or when the employee leaves the service.

(3) An employee who has been provided with uniforms and identification marks shall, when he is on duty, appear in a neat, clean and complete uniform with identification marks properly displayed.

(4) For the purposes of this regulation the expression “protective clothing” shall include all prescribed clothing such as overalls, protective shoes, uniforms, crash-helmets, identification marks, welding shields, gloves, belts and any other similar clothing or equipment or identification marks which may from time to time either by legislation or by resolution of the council be prescribed.

40. (1) An employee shall not claim or accept any commission, money or compensation, whether monetary or otherwise (not being his remuneration, allowance or other moneys payable to him by the council) in respect of the performance of his work. An employee shall forthwith inform his immediate head of any offer of such commission, money or compensation.

(2) Any moneys or payment received by an employee by reason of his having acted in any capacity on behalf of the council or in respect of any service rendered during working hours shall be paid into council's revenue.

41. 'n Werknemer mag nie sy vasgestelde diensure verander of diens met enige ander werknemer omruil sonder toestemming van die hoof van sy departement nie.

42. Hoofde van departemente moet bywoningsregisters hou van elke klas werknemer wat die raad bepaal en elke werknemer in sodanige klas moet die betrokke register teken wanneer hy op diens kom en van diens gaan.

43. Uitgesonderd in die vervulling van hulle amptelike pligte, mag werknemers nie aktief deelneem aan verkiesing van raadslede, hetsy deur openbare rede of in skrif, of lid wees van enige komitee wat die bevordering of voorkoming van die verkiesing tot die raad van enige besondere kandidaat ten doel het nie.

44. (1) Alle besoldiging en ander bedrae verskuldig en betaalbaar aan werknemers word betaal op sodanige dae en op sodanige wyse soos van tyd tot tyd deur die raad besluit word, maar minstens een keer per maand: Met dien verstande dat indien 'n werknemer die diens van die raad verlaat, alle lone, salarisse of ander gelde deur hom verdien tot op die datum wat hy die diens van die raad verlaat min enige aftrekkings by hierdie regulasies gemagtig, onmiddellik aan hom betaal word of so gou moontlik na inname van beskermende klere, uniforms, gereedskap en toerusting. 'n Verduideliking van die berekening van enige bedrag wat aan 'n werknemer betaal word moet op sy versoek aan die werknemer gegee word.

(2) Die raad kan, indien 'n werknemer skriftelik daartoe instem, sodanige maandelikse bedrae, soos deur die werknemer aan die raad verskuldig is, insluitende bedrae ten opsigte van die raad se persele, goedere of dienste wat deur die raad verskaf is, 'n paaiement of paaiemente op 'n lening by die raad aangegaan, of enige ledegeld wat betaalbaar is aan die pensioenfonds of 'n mediese hulpvereniging of -fonds van die werknemer se besoldiging aftrek en die raad is by magte en verplig om namens die werknemer die ledegeld en bedrae wat aan die betrokke partye toekom, te betaal.

45. (1) Behoudens die bepalinge van enige wet en die bepalinge van regulasie 44 mag 'n werknemer nie sonder die skriftelike toestemming van die raad sy reg of eis ten opsigte van enige lone of salaris of gelde wat aan hom deur die raad verskuldig is of sal word, sedeer, oormaak of toewys nie. Die raad mag geen bedrag wat deur hom aan 'n werknemer verskuldig is aan enige persoon, behalwe sodanige werknemer, betaal nie, tensy sodanige persoon 'n behoorlike prokurasie van die werknemer indien of tensy die raad wetlik daartoe verplig is nie.

(2) 'n Werknemer mag nie van 'n ondergeskikte werknemer of van enige persoon buite die diens oor wie se werksaamhede of kontrakte hy toesig moet hou, geld leen of sodanige persoon versoek om vir hom borg te staan nie.

46. (1) 'n Werknemer, uitgesonderd die stadsklerk of 'n hoof van 'n departement wat enige grief of klagte het wat uit sy diens ontstaan, moet sy saak skriftelik aan die hoof van sy departement voorlê, en die hoof van die departement kan sodanige stappe doen soos hy wenslik ag en die werknemer onmiddellik skriftelik in kennis stel van sy beslissing. Indien sodanige werknemer nie tevrede is met die beslissing van die hoof van sy departement nie, kan hy versoek dat die saak middels die stadsklerk aan die Bestuurskomitee voorgelê word en indien die hoof van die departement weier om dit te doen, kan sodanige werknemer, 'n skrywe regstreeks aan die stadsklerk rig en versoek dat sy saak aan die Raad voorgelê word.

(2) 'n Hoof van 'n departement wat enige grief of klagte het wat uit sy diens ontstaan, kan sy saak deur be-

41. An employee shall not change his fixed hours of service or exchange service with any other employee without the permission of the head of his department.

42. Heads of departments shall keep attendance registers of every class of employee as the council may determine and every employee in any such class shall sign the register concerned when he comes on duty or goes off duty.

43. Except in the performance of their official duties employees shall not participate actively in the election of councillors, whether by public speech or in writing, or be a member of any committee which has as its purpose the promotion or prevention of the election to the council of any particular candidate.

44. (1) All remuneration and other amounts owing and payable to employees shall be paid on such days and in such manner as may from time to time be decided by the council, but at least once a month: Provided that if any employee leaves the service of the council all wages, salaries or other moneys earned by him up to the date on which he leaves the service of the council less any deductions authorised by these regulations shall be paid to him immediately or as soon as possible after the return of protective clothing, uniforms, tools and equipment. An explanation of the calculation of any amount paid to an employee shall be given to the employee at his request.

(2) The council may, if any employee agrees thereto in writing, deduct from the employee's remuneration such monthly amounts as may be owing by the employee to the council, including amounts in respect of the council's premises, goods or services provided by the council, any instalment or instalments on a loan taken up with the council, or any subscription payable to the pension fund or a medical aid society or fund, and the council shall have the authority and shall be obliged to pay on behalf of the employee such subscriptions and amounts owing to the parties concerned.

45. (1) Subject to the provisions of any law and the provisions of regulation 44 an employee shall not without the written permission of the council cede, transfer or assign his right or claim in respect of any wages or salary or moneys due to him by the council or which may become due to him by the council. The council shall not pay any amount owing by it to an employee to any person except such employee, unless such person submits a proper power of attorney from the employee or unless the council is legally compelled thereto.

(2) An employee shall not borrow money from a subordinate employee or from any person outside the service whose activities or contracts he has to supervise, or request such person to stand surety for him.

46. (1) Any employee, except the town clerk or the head of a department, who has any grievance or complaint arising from his service, shall submit his case in writing to the head of his department and such head of his department may take such steps as he deems desirable and immediately notify the employee in writing of his decision. If such employee is not satisfied with the decision of the head of his department, he may request that the case be submitted to the management committee through the town clerk and if the head of the department refuses to do so, such employee may address a letter direct to the town clerk and ask that his case be submitted to the council.

(2) Any head of a department who has any grievance or complaint arising from his service may submit his case

middeling van die stadsklerk aan die Bestuurskomitee voorlê en 'n stadsklerk, wat 'n soortgelyke grief of klagte het, kan sy saak direk aan die bestuurskomitee voorlê. Indien sodanige hoof van 'n departement of stadsklerk nie tevrede is met die beslissing van die bestuurskomitee nie, kan die betrokke hoof van 'n departement deur bemiddeling van die stadsklerk sy saak aan die raad voorlê en sodanige stadsklerk kan sy saak aan die raad voorlê.

(3) 'n Werknemer mag geen vertoë oor enige saak wat hom in sy hoedanigheid as werknemer raak, aan 'n raadslid of aan iemand anders rig nie, behalwe soos bepaal in subregulasies (1) en (2).

47. WANGEDRAG:

Enige werknemer wat, behoudens die bepalinge van artikel 148 (6) van die ordonnansie —

- (1) 'n wettige bevel aan hom deur iemand wat daartoe gemagtig is, nie gehoorsaam nie; of
- (2) nalatig is by die uitvoering van sy pligte; of
- (3) iemand wat hom ondergeskik is, toelaat of beveel om enige werk te doen wat nie in verband staan met die diens nie; of
- (4) weens enige oorsaak binne sy eie beheer onbekwaam of ongeskik is of word om sy pligte na te kom; of
- (5) sonder toestemming van die raad oor onderwerpe betreffende die beleid, werksaamhede of bestuur van die raad op 'n openbare vergadering praat, of in verband met die beleid, werksaamhede of bestuur van die raad tot koerante of ander soortgelyke publikasies bydra insluitende onderhoude vir publikasie; of
- (6) hom aan skandelige, onbehoorlike of onbetaamlike gedrag skuldig maak, hetsy by die nakoming van sy pligte of in die openbaar; of by die uitvoering van sy pligte growwe onbeleefdheid teenoor 'n ander werknemer of 'n lid van die publiek aan die dag lê; of
- (7) onder die invloed van alkohol of verdowingsmiddels verkeer wanneer hy op diens is, of wanneer hy hom vir diens aanmeld of moet aanmeld, of wat herhaaldelik sterk drank of verdowingsmiddels gebruik sodat hy nie in staat is om die pligte aan hom opgedra op 'n bekwame of behoorlike wyse kan uitvoer nie; of
- (8) insolvent raak of wie se boedel onder administrasie geplaas is, tensy hy ten genoë van die betrokke raad kan bewys dat dit deur onvermydelike omstandighede veroorsaak is; of
- (9) inligting wat hy in die loop van sy pligte ingewin het, anders as ter uitvoering van sodanige pligte bekend maak; of
- (10) misbruik maak van inligting wat hy weens sy betrekking by die raad ingewin of verkry het, al maak hy sodanige inligting bekend aldan nie; of
- (11) eiendom of fondse van die raad misbruik of onbehoorlik gebruik onder omstandighede wat dit 'n strafregtelike oortreding maak aldan nie; of
- (12) skuldig bevind word aan 'n oortreding en gevonnisd word tot gevangenisstraf sonder die keuse van 'n boete; of
- (13) skuldig bevind word aan 'n oortreding waarvan oneerlikheid 'n element is; of
- (14) gedurende diensure sy kantoor of werkplek in verband met private aangeleenthede verlaat, sonder die toestemming van die stadsklerk of hoof van 'n departement; of

to the management committee through the town clerk and a town clerk who has a similar grievance or complaint may submit his case direct to the management committee. If such head of a department or town clerk is not satisfied with the decision of the management committee, such head of a department may submit his case to the council through the town clerk and such town clerk may submit his case to the council.

(3) An employee shall not make any representations to a councillor or other person on any matter concerning him in his capacity as employee except as provided in subregulations (1) and (2).

47. MISCONDUCT:

Any employee who, subject to the provisions of section 148 (6) of the ordinance —

- (1) does not obey any lawful order given to him by any person authorised thereto; or
- (2) is negligent in the performance of his duties; or
- (3) allows or orders any person subordinate to him to do any work not connected with the service; or
- (4) because of any reason within his own control is or becomes unfit or incompetent to fulfil his duties; or
- (5) without the permission of the council speaks at any public meeting on subjects relating to the policy, activities or management of the council or contributes to newspapers or other similar publications, including interviews for publication, in connection with the policy, activities or management of the council; or
- (6) is guilty of scandalous, improper or unseemly conduct, whether in the performance of his duties or in public; or in the performance of his duties exhibits gross incivility towards another employee or a member of the public; or
- (7) is under the influence of alcohol or drugs when on duty, or when he reports or has to report for duty, or who repeatedly uses intoxicating liquor or drugs so that he cannot fulfil the duties assigned to him in a capable and proper manner; or
- (8) becomes insolvent or whose estate is placed under administration, unless he can prove to the satisfaction of the council concerned that it was caused by unavoidable circumstances; or
- (9) makes known information gained by him in the course of his duties, otherwise than in the performance of such duties; or
- (10) misuses information gained or obtained by him in the course of his post with the council, whether or not he makes known such information; or
- (11) misuses or makes improper use of property or funds of the council under circumstances which render it a criminal offence or not; or
- (12) is found guilty of an offence and is sentenced to imprisonment without the option of a fine; or
- (13) is found guilty of an offence of which dishonesty is an element; or
- (14) during hours of duty leaves his office or place of work in connection with private matters without the permission of the town clerk or the head of a department; or

- (15) behalwe in geval van siekte sonder goedgekeurde verlof van sy werk afwesig is of die tydperk van sy gemagtigde verlof oorskry, sonder die toestemming van die stadsklerk of hoof van 'n departement; of
- (16) dikwels later as die voorgeskrewe tyd op diens kom en vroeër as die voorgeskrewe tyd van diens gaan; of
- (17) doelbewus 'n onjuiste of valse verklaring aflê hetsy ter verkryging van een of ander voorreg of voordeel in verband met sy amp of om watter rede ook al; of
- (18) weier om vrae wat die stadsklerk of hoof van 'n departement of enige gemagtigde werknemer van die raad wettig in verband met 'n beweerde oortreding van hierdie regulasies aan hom stel, bevredigend te beantwoord; of
- (19) versuim of weier om beskermde klere wat die raad beskikbaar stel te gebruik; of
- (20) enige bepaling van hierdie regulasies oortree; of
- (21) enige bepaling van die raad se finansiële of tenderregulasies oortree;

kan van wangedrag aangekla word en daar kan teen hom opgetree word soos hierin bepaal maar onderhewig aan die bepalings van die ordonnansie.

48. ONDERSOEKE NA AANKLAGTE VAN WANGEDRAG:

- (1) Behoudens die bepalings van artikel 148 (10) (a) van die ordonnansie moet in of by 'n aanklag van wangedrag 'n werknemer formeel aangekla word, of 'n formele aanklag aan hom bestel word waarin 'n redelike tyd wat in die aanklag vermeld moet word, aan sodanige werknemer gegee word om 'n skriftelike erkenning of ontkenning van die aanklag aan die stadsklerk of burgemeester, na gelang, te stuur of af te lewer.
- (2) Alle ondersoeke na aanklagte van wangedrag geskied ooreenkomstig artikel 148 (10) van die ordonnansie.
- (3) Wanneer 'n werknemer skuldig bevind word aan wangedrag en hy nie ontslaan word nie, tree die raad, in die geval van 'n stadsklerk of hoof van 'n departement, of die Bestuurskomitee, in die geval van ander werknemers, op ooreenkomstig artikel 148 (8) van die ordonnansie.
- (4) 'n Werknemer wat van 'n strafregtelike aanklag vrygespreek word, word nie daardeur vrygestel van stappe wat ingevolge hierdie regulasies gedoen kan word nie.

49. SKORSING:

Indien 'n werknemer ingevolge artikel 148 (9) van die ordonnansie geskors is, en na sy skuldigbevinding aan wangedrag geen salaris vir die tydperk van sy skorsing ontvang het nie, word sy verhogingsdatum verleng met 'n aantal dae gelyk aan die aantal volle dae van die tydperk van sy skorsing sonder betaling en word die tydperk van skorsing ook nie as diens beskou by die berekening van sy siekte-, vakansie-, of bonus-verlofkrediet nie.

- (15) except in the case of illness is absent from his work without approved leave or exceeds the period of his authorised leave without the permission of the town clerk or the head of a department; or
- (16) often comes on duty later than the prescribed time and leaves the service earlier than the prescribed time; or
- (17) wilfully makes an incorrect or false statement whether for the attainment of some privilege or benefit in connection with his office or for any reason whatever; or
- (18) refuses to answer satisfactorily questions lawfully put to him by the town clerk or the head of a department or any authorised employee of the council in connection with an alleged contravention of these regulations; or
- (19) fails or refuses to use protective clothing made available by the council; or
- (20) contravenes any provision of these regulations; or
- (21) contravenes any provision of the council's financial or tender regulations;

my be charged with misconduct and action may be taken against him as provided herein but subject to the provisions of the ordinance.

48. INVESTIGATIONS INTO CHARGES OF MISCONDUCT:

- (1) Subject to the provisions of section 148 (10) (a) of the ordinance, in any charge of misconduct, an employee shall be formally charged or a formal charge shall be served on him in which a reasonable period, named in the charge, shall be afforded such employee to send or deliver to the town clerk or mayor as the case may be a written admission or denial of the charge.
- (2) All investigations into charges of misconduct shall be made in accordance with section 148 (10) of the ordinance.
- (3) When an employee is found guilty of misconduct and he is not dismissed the council, in the case of a town clerk or head of a department, or the management committee in the case of other employees shall act in accordance with section 148 (8) of the ordinance.
- (4) An employee who is acquitted of a criminal charge shall not thereby be exempted from any steps which may be taken under these regulations.

49. SUSPENSION:

If an employee was suspended under section 148 (9) of the ordinance and after his conviction of misconduct received no salary for the period of his suspension, his incremental date shall be extended by a number of days equal to the number of full days of the period of his suspension without payment and the period of suspension shall also not be deemed to be service in the calculation of his sick, vacation, or bonus leave credit.

BYLAE A.

ONDERNEMING.

AANGESIEN ek die ondergetekende,
 'n beampte/werknemer
 in diens van die Munisipaliteit
 vir verpligte militêre diens aan die Burgermag toegewys

is; EN AANGESIEN ek deur die militêre owerheid aangesê is om my aanvanklike tydperk van verpligte militêre diens vanaf 19..... tot 19..... te verrig, vir welke doel ek verlof van gemelde Munisipaliteit nodig het;

EN AANGESIEN gemelde Munisipaliteit bereid is om vir gemelde doel vir gemelde tydperk op die hierna vermelde voorwaardes verlof aan my toe te staan.

DERHALWE.

1.

Onderneem ek om:

- (a) Onmiddellik na voltooiing van my aanvanklike tydperk van verpligte militêre diens, na die diens van gemelde Munisipaliteit terug te keer en die Munisipaliteit te dien in die hoedanigheid waarvoor ek deur die Munisipaliteit aangestel is of daarna aangestel mag word, en wel vir 'n ononderbroke tydperk gelykstaande met die tydperk waarvoor spesiale verlof toegestaan was, naamlik dae.
- (b) Indien ek op enige wyse in gebreke sou bly om hierdie onderneming na te kom en in besonder (maar nie uitsluitend daartoe beperk nie) indien ek sou versuim of nalaat om paragraaf 1 (a) hierbo ten volle na te kom, ongeag of sodanige versuim die gevolg is van my ontslag deur die Munisipaliteit op grond van wangedrag, behalwe as dit as gevolg van my oorlye of weens my permanente arbeidsongeskiktheid is, die volle besoldiging wat die Munisipaliteit aan my betaal het vir en ten opsigte van die tydperk wat spesiale verlof aan my toegestaan was, asook die vakansiebesparingsbonus, indien enige, wat die Munisipaliteit gedurende bedoelde tydperk aan my betaal het, op skriftelike aanvraag onmiddellik terug te betaal tesame met rente daarop teen die koers van 6% per jaar bereken vanaf datum van kontrakbreuk of ontslag om watter rede ook al.

2.

Erken, aanvaar en onderneem ek om te aanvaar dat die Stadsklerk van die Munisipaliteit of sy gemagtigde in sy uitsluitlike diskresie geregtig is om te besluit of en wanneer voltooiing van my aanvanklike tydperk van verpligte militêre diens plaasgevind het en onderneem ek om hom te voorsien van alle inligting en dokumente wat hy in die verband van my mag verlang.

3.

Verklaar ek dat ek begryp en aanvaar dat:

- (a) Spesiale verlof met hoogstens 'n salaris gelyk aan die verskil tussen my militêre soldy en die normale besoldiging wat ek van die Raad ontvang wat ek vir en ten opsigte van my aanvanklike tydperk van verpligte militêre diens kragtens die Burgermag-regulasies ontvang, aan my toegestaan kan word.

SCHEDULE A.

UNDERTAKING.

WHEREAS I, the undersigned
 an officer/employee in the service of
 the Municipality of have been
 allotted to the Citizen Force for purposes of compulsory
 military service;

AND WHEREAS I have been notified by the military authorities to render my initial period of compulsory military service from the 19..... to the 19..... for which purpose I require leave from the said Municipality.

AND WHEREAS the said Municipality is prepared to grant me leave for the said purpose and for the said period on the conditions mentioned hereinafter.

THEREFORE.

1.

I undertake:

- (a) Immediately after completion of my initial period of compulsory military service, to return to the service of the said Municipality and to serve the Municipality in the capacity for which I was appointed or may thereafter be appointed by the Municipality for a continuous period equal to the period for which I was granted special leave, viz. days.
- (b) Should I in any way fail to comply with this undertaking, and in particular (but not exclusively restricted thereto) should I fail to comply fully with paragraph 1 (a) above, irrespective of whether such failure be a result of my discharge by the Municipality on grounds of misconduct, except when it is as a result of my death or my permanent disablement to refund immediately on written demand the remuneration paid to me by the Municipality for and in respect of the period for which I was granted special leave, as well as the vacation savings bonus, if any, paid to me by the Municipality during the said period, together with interest thereon at the rate of 6% per year calculated from the date of breach of contract or discharge for any reason whatsoever.

2.

I acknowledge, accept and undertake to accept that the Town Clerk of the Municipality or his commissary is in his exclusive discretion entitled to decide if and when completion of my initial period of compulsory military training has taken place and I undertake to supply him with all information and documents he may require from me in this connection.

3.

I declare that I understand and accept that:

- (a) I can be granted special leave with remuneration of not more than the difference between my military pay and the normal remuneration which I receive from the Council, which I receive for and in respect of my initial period of compulsory military service in terms of the Citizen Force Regulations.

- (b) Die tydperk van spesiale verlof wat aan my toegestaan word, nie tel as diens ter nakoming van 'n diensverpligting wat ooreenkomstig 'n beurslenings-, enige opleidings-, studieverlof of 'n ander dergelike onderneming op my mag rus nie.
- (c) Vakansie- en siekteverlof met volle of gedeeltelike betaling (uitgesonderd vakansieverlof wat vir studiedoeleindes aan my toegestaan mag word) as diens ter nakoming van my diensverpligting ingevolge paragraaf 1 (a) hierbo sal tel en dat indien verlof van enige aard aan my toegestaan word, of as ek sonder toestemming van diens afwesig is, voordat ek my diensverpligting ten volle nagekom het, my diensverpligting verleng sal word met 'n getal dae gelykstaande met die tydperk(e) van sodanige verlof wat aan my toegestaan is en/of die tydperk(e) wat ek sonder toestemming van diens afwesig was.
- (d) Indien en wanneer my diensverpligting ingevolge paragraaf 1 (a) hierbo verleng word ingevolge paragraaf 3 (c) hierbo, ek gedurende die verlengde periode op dieselfde wyse onderworpe is aan hierdie onderneming asof die verlengde periode oorspronklik deel was van my diensverpligting ingevolge paragraaf 1 (a) hierbo.
- (e) My diensverpligting ingevolge paragraaf 1 (a) hierbo gelyktydig met een of meer van enige ander diensverpligting(s) wat ingevolge 'n beurslenings-, enige opleidings-, studieverlof of 'n ander dergelike onderneming op my mag rus, uitgedien kan word.

- (b) The period of special leave which I am granted, shall not count as service in fulfilment of a service obligation which may rest upon me in terms of a bursary loan, and training, study leave or any other similar undertaking.
- (c) Vacation and sick leave with full or part pay (excluding vacation leave which I may be granted for study purposes) shall count as service in fulfilment of my service obligation in terms of paragraph 1 (a) above and should I be granted leave of any other nature, or should I be absent from duty without permission, before I have met my service obligation in full, my service obligation will be extended by a number of days equal to the period(s) of such leave which I was granted and/or the period(s) that I was absent from duty without permission.
- (d) If and when my service obligation in terms of paragraph 1 (a) above is extended in terms of paragraph 3 (c) above, I will during the extended period in the same way be subject to this undertaking as if the extended period had originally been part of my service obligation in terms of paragraph 1 (a) above.
- (e) My service obligation in terms of paragraph 1 (a) above can be completed concurrently with one or more of any other service obligation(s) which may rest upon me in terms of a bursary loan, any training, study leave or any other similar undertaking.

Geteken te op hierdie
 dag van 19.....

Signed at this
 day of 19.....

.....
 Handtekening van beampte of werknemer

.....
 Signature of officer or employee.

GETUIES:

- 1.
- 2.

WITNESSES:

- 1.
- 2.

Bygestaan deur (in die geval van 'n minderjarige)

Assisted by (in the case of a minor)

.....
 Handtekening van ouer of voog

.....
 Signature of parent or guardian.

GETUIES:

- 1.
- 2.

WITNESSES:

- 1.
- 2.