

Chapter 7: Powers and Functions of the Director Corporate Services

7.1 POWERS AND FUNCTIONS IN TERMS OF NATIONAL LEGISLATION

7.1.1 LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000 (ACT NO 32 OF 2000)

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
15(1)	Complying and maintaining in bound or loose-leaf form, and where feasible, also in electronic format, a compilation of all the by-laws, including any provisions incorporated by reference as by-laws of the municipality	Council	Director Corporate Services	
117	Custody of all records and documents of the municipality	Municipal Manager	Director Corporate Services	

7.1.2 LOCAL GOVERNMENT: MUNICIPAL FINANCE MANAGEMENT ACT, 2003 (ACT NO 56 OF 2003)

Section	Power conferred	Delegating authority	Delegated body	Conditions, Limitations and Directions
84(2)(a)(i)(aa)	Publishing an information notice stating the municipality's intention to establish and / or participate in a municipal entity	Municipal Manager	Director Corporate Service	
84(2)(a)(ii)	Soliciting the views and recommendations of the National and the Provincial Treasuries, the National and Provincial Departments responsible for local Government and the MEC responsible for Local Government in respect of the municipality's intention to establish and/or participate in a municipal entity	Municipal Manager	Director Corporate Services	
116(3)	Receiving an application from a municipal entity of which the municipality is a parent municipality to amend a contract or agreement procured through the supply chain management policy of the municipal entity concerned	Municipal Manager	Director Corporate Services	

Section	Power conferred	Delegating authority	Delegated body	Conditions, Limitations and Directions
120(6)(b)	Making public the particulars of the proposed public-private partnership, including the report on the feasibility study and inviting the local communities and other interested persons to submit to the municipality comments or representations in respect of the proposed public-private partnership at least 60 days prior to the meeting of the Council at which the matter is to be considered	Municipal Manager	Director Corporate Services	
120(6)(c)	Soliciting the views and recommendations of the National Treasury, the national department responsible for local government, if the proposed public-private partnership involves the provision of water, sanitation, electricity or any other service as may be prescribed and any other national or provincial organ of state as may be prescribed.	Municipal Manager	Director Corporate Services	
129(3)	Publishing the oversight report regarding the annual report	Municipal Manager	Director Corporate Services	

7.1.3 BASIC CONTITIONS OF EMPLOYMENT ACT 1997 (ACT NO. 75 OF 1997)

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
20(6)	Permitting an employee, at the employees written request, to take leave during a period of unpaid leave	Council	Director Corporate Services	Subject to the provisions of the relevant collective agreement
20(7)	Reducing an employee's entitlement to annual leave by the number of days of occasional leave on full remuneration granted to the employee at the employees request in that leave cycle	Council	Director Corporate Services	Subject to the provisions of the relevant collective agreement
29(1)	Supplying the written particulars of her/his employment to a newly appointed employee	Council	Director Corporate	

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
			Services	
29(2)	Amending the written particulars of employment issued to an employee when any such particulars changes	Council	Director Corporate Services	Subject to the provisions of the relevant collective agreement
29(4)	Keeping the written particulars of an employee for a period of three years after the termination of employment	Council	Director Corporate Services	
30	Ensuring the display at the workplace where it can be read by employees a statement in the prescribed form of the employee's rights under Basic Conditions of Employment Act in the official languages which are spoken in the workplace	Council	Director Corporate Services	
31(1)	Keeping of the prescribed minimum records in respect of each employee	Council	Director Corporate Services	
69(4)	Ensuring that a copy of the compliance order is displayed prominently at a place accessible to the affected employees at each workplace named in it	Council	Director Corporate Services	

7.1.4 EMPLOYMENT EQUITY ACT 1998, (ACT No. 55 of 1998)

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
7(1)	Deciding whether an employee or an applicant for employment must submit for medical testing	Council	Director Corporate Services	
8	Ensuring that any psychometric test or similar assessment has been scientifically shown to be valid and reliable, can be applied fairly to employees or applicants for employment and is not biased against any employee or applicant for employment or group	Council	Director Corporate Services	
13(1)	Implementing affirmative action measures (i.e. measures designed to ensure that suitable qualified people from designated groups have	Council	Director Corporate	Subject to the municipality's approved employment equity

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
	equal employment opportunities and are equitably represented in all occupational categories and levels in the workforce) for people from designated groups in order to achieve employment equity		Service	plan.
25(1)	Ensuring that a notice informing employees about the provisions of the Employment Equity Act is displayed at the workplace where it can be read by employees	Council	Director Corporate Services	
25(2)	Placing in prominent places that are accessible to all employees the most recent report submitted by the municipality to the Director-General and any compliance order, arbitration award or order of the labour court concerning the provisions of the Employment Equity Act in relation to the municipality	Council	Director Corporate Services	
27(1)	Submitting a statement to the Employment Conditions Commission on the remuneration and benefits received in each occupational category and level of the municipality's workforce	Council	Director Corporate Services	

7.1.5 SKILLS DEVELOPMENT ACT 1998, (ACT No. 97 of 1998)

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
10(1)	Prepare, adopt and amend a work place skills plan	Council	Director Corporate Services	

7.2 POWERS AND FUNCTIONS IN TERMS OF PROVINCIAL LEGISLATION

7.2.1 FREE STATE PROVINCIAL ARCHIVES ACT 1999 (ACT NO. 4 OF 1999)

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
13(5)(a)	Designating an official of the municipality as the municipality's records manager	Municipal Manager	Director Corporate Services	

7.2.2 LOCAL GOVERNMENT ORDINANCE 1962 (ORDINANCE No. 8 of 1962)

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
151(2)	Furnishing a copy of the municipality's approved by-laws	Municipal Manager	Director Corporate Services	

7.2.3 OCCUPATIONAL HEALTH AND SAFETY ACT 1993 (ACT NO 85 OF 1993)

Section	Power conferred	Delegating authority	Delegated body	Conditions, directions and limitations
7(1)	Ensuring compliance with a directive issued by notice in the Gazette, to prepare a written policy concerning the protection of the health and safety of employees at work and the arrangements for carrying out and reviewing that policy	Council	Director Corporate Services	In consultation with the managers directly accountable to the Municipal Manager
7(3)	Ensuring that the municipality's health and safety policy is signed by the Municipal Manager and displayed in the workplace where employees normally report for service	Council	Director Corporate Services	
16(1)	Ensuring that the duties of the municipality as contemplated in Occupational Health and Safety Act, are properly discharged	Municipal Manager	Director Corporate Services	
17(1)	Designating, in writing for a specified period health and safety representatives for every workplace where more than 20 employees work, or for different sections thereof.	Council	Director Corporate Services	
17(2)	Consulting with recognised representatives of employees in good faith regarding the	Council	Director Corporate	

Section	Power conferred	Delegating authority	Delegated body	Conditions, directions and limitations
	arrangements and procedures for the nomination or election, period of office and subsequent designation of health and safety representatives		Services	
17(2)	Recognizing employees for the purpose consulting about the election or appointment of health and safety representatives	Council	Director Corporate Services	
17(6)	Complying with a directive of a labour inspector with regard to the appointment of additional health and safety representatives at a workplace	Council	Director Corporate Services	
18(3)	Providing such facilities, assistance and training as a health and safety representative may reasonably require and as have been agreed upon for the carrying out of his functions	Council	Director Corporate Services	
19(1)	Establishing a health and safety committee for every workplace where two or more health and safety representatives has been appointed	Council	Director Corporate Services	
19(2)	Determining the number of members of a health and safety committee	Council	Director Corporate Services	
19(2)	Designation of persons to represent the employer in a health and safety committee	Council	Director Corporate Services	

7.3 POWERS AND FUNCTIONS IN TERMS OF REGULATIONS

7.3.1 LOCAL GOVERNMENT: MUNICIPAL PERFORMANCE REGULATIONS FOR MANAGERS DIRECTLY ACCOUNTABLE TO THE MUNICIPAL MANAGER, 2006

Reg	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
11	Receiving proof of membership of any retirement fund of which the Municipal Manager or a manager directly accountable to her included a contribution in her/his remuneration package	Council	Director Corporate Service	
12	Receiving proof of membership of any medical aid scheme of which the Municipal Manager or a manager directly accountable to her included a contribution in her/his remuneration package	Council	Director Corporate Service	
15(1)	Determining the number of days annual leave the Municipal Manager and a manager directly accountable to her who has been appointed after 1 January of any year, is entitled to during that year	Council	Director Corporate Service	

7.3.2 MUNICIPAL REGULATIONS ON FINANCIAL MISCONDUCT PROCEDURES AND CRIMINAL PROCEEDINGS, 2014

Reg	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
3(1)(a)	Report an allegation of financial misconduct against the accounting officer or senior manager to the council, provincial treasury and national treasury	Director Corporate Service	None	
3(1)(b)	Report an allegation of financial misconduct against any official of the municipality to the Municipal Manager.	Director Corporate Service	None	
9(a)	Report an allegation of financial offence against a councillor of the municipality to Speaker, Minister of Finance and MEC of Finance.	Director Corporate Service	None	
9(b)	Report an allegation of financial offence against the Speaker to the Executive Mayor.	Director Corporate	None	

Reg	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
		Service		

7.3.3 MUNICIPAL COST CONTAINMENT REGULATIONS, 2019

Reg	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
5(5)(d)	Ensure transfer of skills by consultants to the relevant officials of the municipality.	Municipal Manager	Director Corporate Service	
5(5)(f)	Ensure that all contracts with consultants include a retention fee or penalty clause for poor performance.	Council	Director Corporate Service	

7.3.4 MUNICIPAL REGULATIONS ON MINIMUM COMPETENCY LEVELS, 2007

Reg	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
14(2)	Report the consolidated information in respect of the municipality and each of its entities on compliance with prescribed competency levels in the municipality's annual report, reflection information as at the end of the financial year to which the report relates.	Municipal Manager	Director Corporate Service	
18(1)	Ensure that with effect from 1 July 2013, the municipality does not employ a person as a financial official or supply chain management official if that person does not meet the competency levels prescribed for the relevant position in terms of the regulations.	Council	Director Corporate Service	

**7.4 POWERS AND FUNCTIONS IN TERMS OF SOUTH AFRICAL LOCAL GOVERNMENT BARGAINING COUNCIL
COLLECTIVE AGREEMENTS**

7.4.1 SALARY AND WAGE COLLECTIVE AGREEMENT, 2018

Clause	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
1	Observe the terms of salary and wage collective agreement and ensure accurate and proper interpretation of the terms and conditions of the agreement in order to enable compliance by the municipality.	Council	Director Corporate Services	

7.4.2 MAIN COLLECTIVE AGREEMENT, 2015

Clause	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
8.1.2	Ensure that employees are granted annual leave not later than six months after the end of the annual leave cycle.	Council	Director Corporate Services	This provisions excludes the Municipal Manger and senior managers directly accountable to the municipal manager
8.1.4	Ensure that employee's annual leave is not allowed to accumulate up to a maximum of 48 working days.	Council	Director Corporate Services	
11.2.1	Allow office-bearers and officials of SAMWU and IMATU reasonable access to the municipality's premises to during working hours for the purpose of conducting <i>bon fide</i> union business including recruitment and communication.	Council	Director Corporate Services	This provision is subject to union office bearers and officials must obtain prior permission from the Director Corporate Services and such permission shall not unreasonably be denied.
11.3.7	Should the municipality be unable to provide the information referred to in clause 11.3.6 electronically, apply for an exemption to the relevant divisions of SALGBC to transfer the information in hard copy format.	Council	Director Corporate Services	In consultation with the Chief Financial Officer.
11.5.5.3	Notify the trade union of any non-compliance with the terms of the collective agreement by the full time shop steward	Council	Director Corporate Services	The trade union is obliged to initiate disciplinary procedures within 30 days from the date of notification.

Clause	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
11.5.8.1	On requests, provide full time shop steward with an office and furniture for the purpose of interviewing members, meeting shop stewards and for storing documents.	Council	Director Corporate Services	
11.5.8.2	On requests, provide full time shop steward with reasonable access to telephone, fax, filing and copying facilities provided that the cost shall be borne by the municipality and the relevant trade union on the basis of jointly agree upon budget..	Council	Director Corporate Services	Any access cost shall be borne by the relevant trade union.
13.3.2	Where a grievance has been escalated by an employee in the department in terms of clause 13.3.1, arrange a meeting to consult and hold discussion with the aggrieved employee(s) in an attempt to achieve resolution.	Director Corporate Services	None	Endeavour to resolve the grievance within 10 days of the grievance being referred and inform the employee(s) of the outcome in writing.
16.2 and 16.3	Furnish SALGBC electronically with updated information as at 1 July each year in regard to data specified in Annexure 7 of the main collective agreement annually on 31 August	Council	Director Corporate Services	
18.1	Apply for exemption from any of the provision of the collective agreement.	Council	Director Corporate Services	The exemptions shall only be applied for only if the council resolved to that effect and an application shall be done in writing on a prescribe form.
21.1	Submit proposed amendments to the collective agreement in writing at least 12 months prior to its expiry.	Council	Director Corporate Services	The proposed amendments shall be submitted only be only if the council resolved to that effect.

7.5 INCIDENTAL POWERS AND FUNCTIONS

7.5.1 LITIGATION

Ref.	Power	Delegating authority	Delegated body	Conditions, limitations and directions
7.5.1.1	Instituting criminal or civil proceeding against any former employee who neglected or failed to return any property of the municipality which he/she may have had possession at the time of terminating his/her employment	Council	Director Corporate Services	After consultation with the Municipal Manager
7.5.1.2	Instituting legal proceedings against any third party for damages to property of the municipality caused by such third party and for injuries sustained by an employee of the municipality whilst on duty as a result of the action or inaction of the third party	Council	Director Corporate Services	After consultation with the Municipal Manager

7.5.2 HUMAN RESOURCES MANAGEMENT

Ref.	Power	Delegating authority	Delegated body	Conditions, limitations and directions
7.5.2.1	Updating and maintaining the human resource policy manual	Council	Director Corporate Services	
7.5.2.12	Developing and approving a job description for each post on the permanent and temporary establishment	Municipal Manager	Director Corporate Services	
7.5.2.3	Establishing and maintaining the approved permanent staff establishment for the administration and for each department as an electronic database	Municipal Manager	Director Corporate Services	
7.5.2.4	Receiving applications for jobs and preparing a master list of applications received	Municipal Manager	Director Corporate Services	
7.5.2.5	Informing candidates selected for short listing of the date, venue and time of the interviews and other selection procedures	Municipal Manager	Director Corporate Services	
7.5.2.6	Determining on which notch of the applicable	Municipal	Director Corporate	Except for the position of the Municipal Manager and

Ref.	Power	Delegating authority	Delegated body	Conditions, limitations and directions
	salary scale an employee must be appointed	Manager	Services	managers directly accountable to the Municipal Manager.
7.5.2.7	Making a job offer to a candidate selected for appointment	Municipal Manager	Director Corporate Services	
7.5.2.8	Considering and approving an application by a newly appointed employee to subsidize the cost incurred in moving his/her household possessions to a place within the municipality closer to his/her place of work	Municipal Manager	Director Corporate Services	
7.5.2.9	Determining the period of probation, if any, a newly appointed permanent employee will be required to serve	Municipal Manager	Director Corporate Services	Subject to the relevant collective agreement.
7.5.2.11	Notifying the employee concerned in writing whether his/her: <ul style="list-style-type: none"> (a) appointments has been confirmed (b) probation period has been extended (c) employment has being terminated 	Municipal Manager	Director Corporate Services	
7.5.2.12	Informing an employee in writing of the date of termination of his/her employment due to- <ul style="list-style-type: none"> (a) reaching retirement age (b) his/her fixed term contract expiring 	Municipal Manager	Director Corporate Services	
7.5.2.13	Issuing a certificate of service to an employee who resigns, retires or who is dismissed	Municipal Manager	Director Corporate Services	
7.5.2.14	Conducting skills assessments in the municipality	Municipal Manager	Director corporative services	
7.5.2.15	Developing and maintaining a strike management plan	Municipal Manager	Director Corporate Services	
7.5.2.16	Contracting with an employee who received a bursary from the municipality that must remain in the municipality's service for a period equivalent to the period of study	Municipal Manager	Director Corporate Services	Subject to the provisions of the approved Bursary Policy of the municipality.

Ref.	Power	Delegating authority	Delegated body	Conditions, limitations and directions
7.5.2.17	Approving and refusing applications for private work	Municipal Manager	Director Corporate Services	Subject to the approved council policy in this regard.
7.5.2.18	Administering the training process, training programs and events	Municipal Manager	Director Corporate Services	
7.5.2.19	Administering the impact of training programs at appropriate intervals after the programme was completed and compared with the potential impact	Municipal Manager	Director Corporate Services	
7.5.2.20	Establishing a training schedule at the beginning of each financial year taking into account the training needs of employees and the municipality	Municipal Manager	Director Corporate Services	Subject to approved Workplace Skills Plan of the municipality.
7.5.2.21	Making recommendations to the Municipal Manager regarding employees participation in training programmes and attendance of seminars, workshops and similar training events upon receiving nominations from departmental heads	Municipal Manager	Director Corporate Services	
7.5.2.22	Co-coordinating and integrating the training and development activities of the municipality	Council	Director Corporate Services	
7.5.2.23	Assessing and monitoring training needs of employees and prioritize identified needs	Council	Director Corporate Services	
7.5.2.24	Recruiting, selecting and appointing interns	Municipal Manager	Director Corporate Services	
7.5.2.25	Regularly meeting with interns mentors and ensure that interns are making progress toward the achievement of agreed outcomes and milestones	Municipal Manager	Director Corporate Services	Regular reports must be submitted to the Municipal Manager regarding the internship program and progress made
7.5.2.26	Informing the relevant departmental head mentor, the Chief Financial Officer and the	Municipal Manager	Director Corporate	

Ref.	Power	Delegating authority	Delegated body	Conditions, limitations and directions
	intern concerned when an intern's employment with the municipality comes to an end.		Services	
7.5.2.27	Providing particulars of employment to interns before commencement with the employment	Municipal Manager	Director Corporate Services	
7.5.2.28	Annually reviewing the municipality's internship programme	Municipal Manager	Director Corporate Services	
7.5.2.29	Identifying positions to which the rapid progression policy can be applied and setting of qualifications and experiential standards for progressing from one level to the next or from one salary notch to the next	Municipal Manager	Director Corporate Services	
7.5.2.30	At the beginning of every financial year and thereafter as often as its necessary, preparing and submitting to the departmental heads committee, a succession planning schedule	Municipal Manager	Director Corporate Services	
7.5.2.31	Compiling a career plan and log book in respect of identified employees	Municipal Manager	Director Corporate Services	
7.5.2.32	Submitting a draft career plan for the targeted employee for consideration and comment and conducting an interview with him/her to ascertain comments	Municipal Manager	Director Corporate Services	

7.5.3 SUPPLY CHAIN, ASSET AND CONTRACT MANAGEMENT

Ref.	Power	Delegating authority	Delegated body	Conditions, limitations and directions
7.5.3.1	Establishing and maintaining a register of securities including contracts and title deeds regarding land and council properties	Council	Director Corporate Services	
7.5.3.2	Ensuring proper upkeep and maintenance of the municipality's communication facilities and infrastructure such as telephones.	Council	Director Corporate Services	

Ref.	Power	Delegating authority	Delegated body	Conditions, limitations and directions
7.5.3.3	Conducting negotiations concerning the leasing of land or buildings to or by the council	Council	Director Corporate Services	

7.5.4 MISCELLANEOUS POWERS

Ref.	Power	Delegating authority	Delegated body	Conditions, limitations and directions
7.5.4.1	Granting permission to persons to examine the records of the municipality for research purposes	Council	Director Corporate Services	With authority to impose conditions on such examination
7.5.4.2	Disposing of documents and other records in terms of relevant legislation regulating archives	Council	Director Corporate Services	
7.5.4.3	Updating the by-laws of the municipality when necessary	Council	Director Corporate Services	