

# OVERBERG DISTRICT MUNICIPALITY

## CELLULAR PHONES, TABLET AND DATA CARD POLICY

2015



<b>Council Resolution No</b>	..... m 260 .....
<b>Date</b>	..... 27.07.2015 .....
<b>Municipal Manager</b>	..... <i>[Signature]</i> .....
<b>Executive Mayor</b>	..... <i>[Signature]</i> .....
<b>Reference No</b>	..... 9/1/B .....
<b>Municipal Code No</b>	..... P-C-04.2 .....

## TABLE OF CONTENT

	<u>Page</u>
1. Purpose of Policy .....	3
2. Definitions .....	3
3. Guidelines .....	4
4. Legislative Framework .....	4
5. None Compliance to Policy .....	4
6. Contract Cellular Phones .....	4
7. Cellular Phone Allowance .....	5
8. Data Card Allowance (Wifi Modem).....	6
9. Tablet .....	6
10. Budgetary Requirements .....	7
11. Effective Date .....	7

## 1. PURPOSE OF THE POLICY

The purpose of this policy is to:

- a) Regulate the use of telephone communication within the municipality;
- b) Ensure the effective, efficient and accountable utilisation of telephone communication facilities belonging to the municipality;
- c) Ensure the efficient and accountable allocation of cell phone allowances within the municipality; and

## 2. DEFINITIONS

In this policy, words used in the masculine gender include the feminine, the singular includes the plural and vice versa and unless the context otherwise indicates –

**"Batho Pele"** means the "people first" principle of the White Paper published in terms of Government Gazette No 1459 of 1997;

**"Code of Conduct"** means Schedule 2 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);

**"Cell Phone Allowance"** means an additional taxable monthly re-imbusement paid to employees as may be applicable in terms of their respective positions or conditions of work, as part of their salary, to cover the costs of:

- Cell phone calls made from their private cell phones for official purposes as per the guidelines provided for in this Policy;
- Additional use of a data card, as may be required for selected employees, for Internet access for official purposes only.

**"Conditions of Service"** means the terms and conditions of employment as concluded within the SALGBC;

**"Constitution"** means the Constitution of the Republic of South Africa, 1996 and any regulations promulgated in terms thereof;

**"Council"** means the Municipal Council referred to in terms of Section 157 of the Constitution;

**"Councillor"** means a full time councillor who has been elected or appointed to an office which has been designated as full-time in terms of Section 18 (4) of the Local Government : Municipal Structures Act, 1998 (Act No. 117 of 1998) and shall include a politically elected member of the municipal council for the municipality;

**"Employee"** means any person who:

- has been appointed by the municipality to a position of employment, either in a permanent or temporary capacity;
- receives or is entitled to receive remuneration therefore; and,
- in any manner assists in carrying out or conducting the functions and powers of the municipality, and "employed" and "employment" have corresponding meanings;

**"Executive Mayor"** means an executive mayor elected in terms of section 55 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

**"Municipal Manager"** means a person appointed by the municipality in terms of section 54A of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) and who is the head of administration and also the accounting officer for the municipality;

**"Municipality"** means the Overberg District Municipality;

**"SALGBC"** means the South African Local Government Bargaining Council; and

**"Section 56 employee"** means a person appointed as a Director directly accountable to the Municipal Manager as contemplated in terms of Section 56 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);

**"Structures Act"** means the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) and any regulations promulgated in terms thereof; and

**"Systems Act"** means the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) and any regulations promulgated in terms thereof.

### 3. GUIDELINES

The use of Cellular Phones, Tablets and Data Card (Wifi Modems) will be made available with the consent of the employee and employer on a contract or a monthly allowance.

### 4. LEGISLATIVE FRAMEWORK

- 4.1 **The Code of Conduct** for Staff Members regulates against the misuse of municipal property and assets by municipal employees.
- 4.2 **In terms of the Code of Conduct**, employees are required to perform their functions in good faith, honestly and in a transparent manner and in such a way that the credibility and integrity of the municipality are not compromised.
- 4.3 **Section 4(2) (a)** of the Systems Act places upon Council the duty to use the resources of the municipality in the best interests of the local community.
- 4.4 **The Batho Pele White Paper** places upon the municipality the responsibility and challenge of implementing policies which should have the desired effect of increasing efficiency, reducing wastage and increasing transparency and accountability within the municipality.

### 5. NON- COMPLIANCE TO POLICY

Any employee who does not comply with the provisions of this policy shall be guilty of a breach of the Code of Conduct for Municipal Staff.

### 6. CONTRACT CELLULAR PHONES

A contract cellular phone will be arranged with a cellular company and in the name of Overberg District Municipality, per identified employee.

#### Procedure:

1. The Director or delegated authority, as provided for in Overberg District Municipality's System of Delegation, will authorise the number of contract cellular phones needed in and the package amount, also if it's a new contract or an upgrade of the previous contract.

2. The identified employee to whom the cellular phone has been issued must apply 3 months before the contract ends for upgrading, degrading or cancellation of the contract.
3. The Financial department must receive the motivation from the Director within 2 months before the current contract expires; otherwise assume that the contract must be cancelled.
4. All calls and charges above the contract price (including VAT) and free boundaries will be deducted from the employee's salary unless proof is given otherwise and approved by the Head of Department.
5. Each cellular phone bill over and above the contract price must be checked by the relevant Director/Head of Department for accuracy and certified as correct and upon that be send back to the financial department for deduction. In the absence of not receiving the signed bill back within 5 (five) working days from the Director/Head of Department, the full amount over and above the contract price will be deducted from the employee's salary.
6. The Municipal Manager or Director or Head of Department, authorised as provided for in Overberg District Municipality's System of Delegation, may refuse to give any type of cellular phone to an employee, or if the cellular phone is abused, the authorization to withdraw, after which the cellular telephone must be returned back immediately to the Director or his/her delegate in good condition.
7. Any defects in receipt of the cellular phone that can be attributed to negligent or improper use by the user will be for the account of the user.
8. When the contract of the cellular phones expires or is renewable, the cellular phone becomes the property of the user.
9. Employees qualifying for a contract cell phone must register their cell phone number at the Human Resource Department and on the Official Municipal telephone directory.
10. Employees must inform the Financial Service section with the necessary information to insure the cellular phone.
11. The employee using an official cellular phone must be at all times available on that cellular phone.

## **7. CELLULAR PHONE ALLOWANCE**

A cellular phone allowance is payable, to identified employees, to be available for official purposes at all times. This allowance will show on the identified employee's payslip and will be taxable.

Initial setup costs for new cell phone contracts, or additional accessories such as hands free car kits, will be for the employee's own account. RICA processes to enable the legitimate use of a cell phone will at all time be the responsibility of the employee.

Procedure:

1. The Director or delegated authority, as provided for in Overberg District Municipality's System of Delegation, will authorize for what period an employee may receive a cellular phone allowance.
2. The Director will identify employees and the amount of cellular phone allowance, in his/her department deemed necessary for ultimate functioning of the department.
3. The list of employees identified to receive cellular phone allowance will be sent to the HR department to be processed for payment by the Pay Office section.
4. The Director or delegated authority, as provided for in Overberg District Municipality's System of Delegation, may refuse to give to any employee a cellular phone allowance, if he/her cannot see the need for it.
5. The Director or delegated authority, as provided for in Overberg District Municipality's System of Delegation, may stop the payment of a cellular phone allowance, after the employee has been provided in writing with reasons for the decision.
6. Employees qualifying for a cell phone allowance must register their cell phone number at the Human Resource Department and on the Official Municipal telephone directory.
7. The employee receiving a cellular phone allowance must be at all times available on a registered number.

**8. DATA CARD ALLOWANCE (WIFI MODEM)**

A monthly allowance for a data card (Wifi modem) contract to enable only selected employees Internet access to work after hours from home, or when on business away from the office, for official purposes.

Procedure:

1. The Director or delegated authority, as provided for in Overberg District Municipality's System of Delegation, will authorize for what period an employee may receive a data card allowance.
2. The Director will identify employees and the amount of data card allowance, in his/her department deemed necessary for ultimate functioning of the department.
3. The list of employees identified to receive cellular phone allowance will be sent to the HR department to be processed for payment by the Pay Office section.
4. The Director or delegated authority, as provided for in Overberg District Municipality's System of Delegation, may refuse to give to any employee a data card allowance, if he/her cannot see the need for it.
5. The Director or delegated authority, as provided for in Overberg District Municipality's System of Delegation, may stop the payment of a data card allowance, after the employee has been provided in writing with reasons for the decision.

**9. TABLET**

The need for a tablet must be identified during the budget process and budgeted accordingly.

Procedure:

1. A motivation for the need of a tablet must be send to the Director for his/her approval.
2. After approval from the Director the Manager will send the documentation to the IT office for the ordering of a suitable tablet, as requested and approved.
3. The procurement procedures must be followed.

**10. BUDGETARY REQUIREMENTS**

Each Directorate/Department must make provision in its Operational Budget for the payment of cell phone allowances.

**11. EFFECTIVE DATE**

This policy shall come into effect on the date which it was adopted by Council and shall remain in full force and effect until it is reviewed, revoked or amended by Council.

**EXTRACT FROM THE COUNCIL MINUTES HELD ON 27 JULY 2015**

Item M260. 27.07.2015

**HR (HUMAN RESOURCES) POLICIES (REVIEW)  
(Ref.:9/1/B)**

---

J C P Tesselaar: Director Management Services/CFO

**PURPOSE**

To seek Council approval for the proposed review of HR policies.

**BACKGROUND**

Municipalities are required to review HR policies. All proposed policies tabled and discussed at Local Labour Forum.

**LEGAL REQUIREMENTS**

Annual review of HR policies

**ATTACHMENT**

Proposed review of the following HR Policies:

- Overtime
- Smoking
- Employee Assistance Program Policy
- Cellular Phones and Data Card Policy
- Dress Code

**UNANIMOUSLY RESOLVED:** (Proposed by cllr I Sileku and seconded by cllr K Tiemie)

The amended reviewed HR Policies is approved with effect 1 August 2015.

- Overtime
- Smoking (Scrap paragraph 4.3)
- Employee Assistance Program Policy
- ▪ Cellular Phones and Data Card Policy
- Dress Code

Q.  
M.