



CELL PHONE AND MOBILE DATA POLICY
Review 2019/20

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CELL PHONE AND MOBILE DATA CARD POLICY

PREAMBLE

Mhlontlo Municipality continuously endeavours to achieve best practices, policies and procedures when managing the administration and operations of the assets of the Municipality.

In order to enable and enhance the productivity of the municipality's business units it is critical to make use of the latest means of communication technology. Based on this, cellular phones and Mobile Data Card are allocated for sound business reasons, for receiving business calls and making business calls when not in the office.

PURPOSE

The purpose of this Policy is to develop a means of managing these tools/assets in an effective and efficient manner.

LEGISLATIVE CONTEXT

The guiding principles used in developing Mhlontlo Municipality Cell Phone and Mobile Data Card Policy were sourced from the following legislation and policies:

- Remuneration of Public Office Bearers Act 20 of 1998, section 7(3)
- Government Notice No. 35962 7 December 2012
- Mhlontlo Municipality Supply Chain Management Policy
- Mhlontlo Municipality Asset Management Policy
- Municipal Finance Management Act 56 of 2003
- Municipal Supply Chain Management Regulations 2005
- Municipal Structures Act 117 of 1998
- Municipal Systems Act 32 of 2000
- Mhlontlo Municipality Subsistence and Travel Policy

DEFINITIONS

- **Municipality** means the Mhlontlo Municipality.
- **Mayor** means a Mayor elected in terms of section 55 of the Municipal Structures Act 117 of 1998.
- **Speaker** means a Speaker elected in terms of section 36 of the Municipal Structures Act 117 of 1998.
- **Mayoral Committee** means a Mayoral Committee member elected in terms of section 60 of the Municipal Structures Act 117 of 1998.
- **Municipal Manager** means a person appointed by the municipality in terms of section 82 of the Municipal Structures Act and who is the Head of Administration and also the Accounting Officer for the Municipality.
- **Head of Department** means a person appointed by the municipality in terms of section 56 of the Municipal Structures Act and who is the Head of a Department within Mhlontlo Municipality.
- **Official** means any other personnel appointed by Mhlontlo Municipality
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CELL PHONE AND MOBILE DATA CARD POLICY

1. APPLICATION OF THE POLICY

This Policy applies to:

- 1.1. The Mayor.
- 1.2. The Speaker.
- 1.3. Executive Committee Members.
- 1.4. Councillors.
- 1.5. Municipal Manager.
- 1.6. Head of Department
- 1.7. Deputy Directors
- 1.8. Assistant Directors
- 1.9. Driver/ Protectors of Political Office Bearers
- 1.10. Any other official who has received approval from the Municipal Manager for a Cellular and Mobile Data Card Allowance.

2. CELLPHONE AND MOBILE DATA ALLOWANCE

- 2.1. The council will acquire cellular phones by means of a contract with a cellular phone service provider.
- 2.2. The Municipality recognizes that cell phones are an extension of individuality and as such the user is at liberty to enhance the choice of item through a cash contribution towards the upgrading of available models, currently limited to the extent of allowances received.
- 2.3. The municipality enters into an agreement/contract with a service provider of his/her choice, i.e. registered network providers on behalf of councillors and officials.
- 2.4. The Cellphone and Mobile Data Card contract is between the municipality and the service provider.
- 2.5. Cellphone and Mobile Data Card allowances that is effected through the payroll system is a taxable allowance and should not be construed as inclusive in a negotiated remuneration package.
- 2.6. The user may recoup, wear and tear allowances on cell phone item from taxable income on completion of yearly statutory tax returns (Personal Tax Returns).
- 2.7. The Municipality is responsible for insuring the phone against theft, loss or damage and ensures that the cellphone is available for Council's use at all times.
- 2.8. An allowance will not be granted to employees with no official authorisation to acquire a cell phone for official use. The municipality will not be liable for any costs where an employee obtained a private cellular contract without prior official authorization.
- 2.9. In terms of the Municipal Performance Regulations Gazette no 29089 and Remuneration for councillors 30600 Gazette. The Accounting Officer, Section 57 Managers and Councillors, qualify for Cellphone and Mobile Data Card allowance.
- 2.10. All deputy directors and assistant directors qualify for a cell phone and Mobile Data Card allowance and all other staff must motivate and obtain the necessary approval from the Accounting Officer before such official can be granted a cellphone and Mobile Data Card allowance.

3. PROCEDURE TO BE FOLLOWED WHEN APPLYING FOR A CELLPHONE AND MOBILE DATA CARD ALLOWANCE BY OFFICIALS WHO DO NOT RECEIVE A CELLULAR AND MOBILE DATA CARD ALLOWANCE AS PART OF A REMUNERATION PACKAGE:

- 3.1. This procedure applies to officials below assistant directors.
- 3.2. This procedure does not apply to councillors, Section 56 Managers and assistant directors.
- 3.3. All applications must be made in writing, supported with a proper motivation, and must be directed to the relevant Head of Department, for onward submission to the Municipal Manager, who has the final authority to approve a cellphone allowance.

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- 3.4. The Head of Department must consider the application and make a recommendation to the Municipal Manager.
- 3.5. The application must be submitted to the Corporate Services Department who will support/not support such an application and will confirm with Budget and Treasury Department on the availability of funds.
- 3.6. Prepaid facilities will be made available to certain members of staff when required and will require approval from the relevant Accounting Officer.
- 3.7. After approval of such an allowance by the Municipal Manager the following will apply:

CELLPHONE AND MOBILE DATA CARD ALLOWANCE

The Corporate Services will submit a letter to the Budget and Treasury Office informing them to allocate the allowance on the user's salary as specified by the Municipal Manager's approval and implementation date.

4. CONDITIONS AND RESTRICTIONS OF USE

4.1. CELLPHONE AND MOBILE DATA CARD ALLOWANCE

Councillors are provided an allowance in terms of the Remuneration of Public Office Bearers Act 20 of 1998 limits promulgated annually in the Government Gazette.

Officials are provided an allowance in terms of the staff benefits provided by Mhlontlo LM.

5. CELL PHONE AND MOBILE DATA CARD ALLOWANCE

5.1. CELLPHONE AND MOBILE DATA CARD ALLOWANCE WILL BE PROVIDED AS FOLLOWS:

DESIGNATION	AMOUNT (allowance per month Pre-Tax)
1. Mayor	As per Remuneration Gazette
2. Speaker and Chief whip	As per Remuneration Gazette
3. Full Time Councillor and Part councillors	As per Remuneration Gazette
4. Municipal Manager and Managers	In line with their salary structure
5. Deputy Directors	In line with their salary structure
6. Deputy Directors	R1200 (R2000 unlimited)
7. Assistant Directors	R800 (R1200)
8. Other staff	R 310- R605
9. Mobile Data Card	As per gazette for councillors and Senior Manager

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Annually on the, 1 July of each year the Accounting Officer in consultation with council will review the above amounts. Cell phone increases for councillors will be paid according to the Remuneration for Office Bearers Gazette.

6. UPGRADING OF CELL PHONE

The cell phone will only be upgraded after 24 Months. All cellphone contracts will be linked to the term of the council. This means that Councillors shall have 2 consecutive renewal of 24 Months and one 12 months contract.

7. LOSS OF CELL PHONE

- 7.1. If the member loses his or her cell phone must report to the police and bring the case no to municipality for insurance purposes.
- 7.2. The service provider must provide a courtesy cell phone whilst awaiting the processing of the new cell phone.
- 7.3. All cell phones and Mobile Data Card remain the property of the municipality till the end of the contract.
- 7.4. Members can keep their old cell phones after upgrading.
- 7.5. Provision should be made to allow councillors to keep cell phone number after the end of term on request.

8. IMPLEMENTATION

The Manager Director Corporate Services is responsible for the application of the Cellphone and Mobile Data Card Policy. Any breach in the Cellphone and Mobile Data Card Policy will result in disciplinary action being instituted.

9. MONITORING/EVALUATION

Internal Audit Unit will evaluate compliance of the policy.

10. REVIEWAL

This policy shall be reviewed on an annual basis depending on the change in legislation and / or business dynamics of the environment within which Mhlontlo municipality operates.

11. COMMENCEMENT

- 11.1 This policy will come into effect on the date of adoption by the Council.

12. INTERPRETATION OF THIS POLICY

12.1 All words contained in this policy shall have a direct grammatical meaning unless the definition or context indicates otherwise.

12.2 The dispute on interpretation of this policy shall be declared in writing by any party concerned.

12.3 The Office of the Manager shall give a final interpretation of this policy in case of written dispute.

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12.4 The party concerned is not satisfied with the interpretation; a dispute may then be pursued with the South Local Government Bargaining Council.

13. AMENDMENT AND/OR REPEAL OF THIS POLICY

13.1 This may be partly amended or wholly amended by the Council

13.2 This policy may be partly or wholly repealed by the Council

13.3 Violation of or non-compliance with this policy will give a just cause for disciplinary steps to be taken.

13.4 It will be the responsibility of all Managers, Executive Committee and Council to enforce compliance with this policy.

14. PERMANENT/TEMPORARY WAIVER OF THIS POLICY

14.1 This policy may be partly or wholly waived by the Municipal Council on temporary or permanent basis.

14.2 Notwithstanding clause No. 14.1 the Municipal Manager may under circumstances of emergency temporarily waive this policy subject to reporting of such waiver to Council.

15. VIOLATION OF OR NON-COMPLIANCE WITH THE POLICY

15.1 Violation of or non-compliance with this policy will give a just cause for disciplinary steps to be taken.

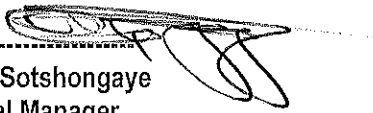
15.2 It will be the responsibility of all Directors, Deputy Directors, Assistant Directors, Supervisors, Executive Committee and Council to enforce compliance with this policy.

10. ADOPTION OF THE POLICY:

Signed on behalf Council by



Cllr. D. Dywili
Mayor



Mr. S.G. Sotshongaye
Municipal Manager