



UMZIMVUBU

LOCAL MUNICIPALITY

ADVERTISING DATE: 08 September 2020

UMZ/20-21/DECIPLINARY HEARING TRAINING(CORP)

SERVICE PROVIDER TO CONDUCT DECIPLINARY HEARING TRAINING

Bidders are hereby invited to submit proposals/Quotations for service provider to conduct disciplinary hearing training as per ToRs.

MANDATORY DOCUMENTS TO BE SUBMITTED FAILURE TO DO SO WILL LEAD TO BE NON RESPONSIVE.

Umzimvubu Local Municipality Supply Chain Management will apply. A valid Original Tax Clearance Certificate or confirmation from SARS with a verification pin, copy of company Registration/Founding Statement/CIPC Documents. Certified BBBEE certificate and a combined BBBEE for a joint venture (non-elimination item). JV Agreement for Joint venture. 80/20 evaluation criteria. Prices quoted must be firm and must be inclusive of VAT for vat vendors. Certified ID Copies of Managing Directors/ Owners. CSD Registration and MBD forms 4, 8 and 9 are compulsory submission and Billing Clearance certificate or Statement of Municipal Accounts. Certified copies of Certificates must not be later than 90 days of closing date. **No faxed, e-mailed and late tenders will be accepted.** Umzimvubu Local Municipality reserves the right not to appoint and value for money will be the key determinant. All quotation must be deposited in the quotation box situated at **Umzimvubu Local Municipality Offices at SCM office 813 Main Street, Mt Frere** not later than **12h00 noon on 18 September 2020**. All tenders must be clearly marked "Name of the project or Reference number". All service providers must be registered on CSD and submit proof. The municipality will not make award any award to a person or persons working for the state.

Enquiries: All technical enquiries may be directed to Ms. N. Ndongeni Ndongeni.Nosisa@umzimvubu.gov.za & Mr Mbukushe (SCM Manager) 039 255 8500 Mbukushe.Themba@umzumvubu.gov.za

Other enquiries regarding this Bid may be directed to the office of the Municipal Manager:

Attention: Mr G.P.T Nota

813 Main Street or P/Bag X9020

MT FRERE

5090

GPT NOTA (MUNICIPAL MANAGER)



UMZIMVUBU
— LOCAL MUNICIPALITY —

UMZIMVUBU LOCAL MUNICIPALITY

2020- 2021FY

DISCIPLINARY HEARING TRAINING



TERMS OF REFERENCE

TRAINING OF UMZIMVUBU MUNICIPAL EMPLOYEES ON DISCIPLINARY HEARING

PROGRAMME: DISCIPLINARY HEARING

1. BACKGROUND

The aim of the training intervention is to equip employees with knowledge and skills to deal with all aspects of disciplinary enquires. This training intervention gives practical hands on approach for dealing with discipline in the workplace.

The Corporate Services Department: Human resources Division has conducted the skills audit in preparation for the WSP of 2020/21 financial year. The training need identified by employees are all entered in the approved 2020/21 workplace skills plan which was approved and submitted to LGSETA.

2. TARGET GROUP

The Municipality have identified ten (10) employees

3. GOALS AND CONTENT OF THE TRAINING

The objective of this course is to help employees to gain a better understanding of the principles and practices in respect of South African Labour Laws when initiating and conducting a disciplinary hearing.

3.1 The content should cover but not limited to the following aspects:-

3.1.1 Disciplinary Procedures within an organisation

- Positive and negative within the workplace
- Characteristics of a sound disciplinary system
- Disciplinary procedures within an organisation
- The disciplinary Code
- Case Law
- Legal framework of Discipline within an organisations
- Principles of procedural and substantive Fairness
- Substantive Fairness
- Procedural Fairness

3.1.2 Investigate Disciplinary Action

- Identify and classify transgression
- Procedures for instigating a disciplinary action
- Disciplinary process documentation
- Supplementary notes of the disciplinary procedure and Misconduct
- Incapacity procedure for poor performance

- Disciplinary Code and procedure
- Samples of reports and Warnings

3.1.3 Purpose and applications of BCEA

- Basic Conditions of Employment
- Prohibition of employment
- Variations of the conditions of employment
- Employment condition and commission
- Sectoral Determinations
- Regulation of working hours
- Leave
- Particulars of Employment
- Monitoring, Enforcement and legal proceeding of the BCEA
- Protection of employees against discrimination
- Legal proceedings and dispute resolution
- General provisions of BCEA
- Code of good practice
- Penalties

3.1.4 Practical application of Disciplinary Procedure

- Seven rules of just cause
- Verbal Warning
- Written Warning
- Other alternatives
- Generic, Guiding principles
- Implementation of disciplinary procedure- None dismissible transgression
- The disciplinary hearing
- Disciplinary enquiry and investigation
- Practical steps in undertaking investigatory interviews
- Drafting a charge sheet in practice
- Case Law
- Suspension pending disciplinary enquiry
- Preparation of the hearing
- Conducting a disciplinary enquiry
- Mitigating circumstances
- Aggravating circumstances
- Decision process during disciplinary hearing
- Justifiable Sanction
- Record of a disciplinary enquiry
- Appeal procedure against disciplinary hearing decision
- Disciplinary hearing checklist
- Ascertain fair and just disciplinary action within an organisation
- Representing an employee at the disciplinary hearing

3.1.5. Conducting a disciplinary hearing

- Conduct a disciplinary hearing
- The chairperson at a disciplinary hearing

- Electing /Selecting a suitable person of the disciplinary hearing
- Conduct of the chairperson in the disciplinary hearing
- Disciplinary hearing procedure
- Evidence
- Law of Evidence- Practical application of the disciplinary hearing
- Witnesses
- Working with difficult witnesses

4. DURATION

This training has to be done and completed within a maximum number of two (2) working days.

5. METHODOLOGY

- 5.1 The course should be engaging and interactive.
- 5.2 The use of constructive feedback and tips for improvement should be given to the participants.
- 5.3 This training programme should be delivered at a specified National Qualification Framework (NQF) and Unit standard aligned with 10985.
- 5.4 The service provider must ensure that the competency assessment is done to the participants and there is submission of POEs.
- 5.5 The participants shall be given training materials by the service provider.
- 5.6 To provide an Assessment Plan and assessment process during and after the training
- 5.7 A detailed close-out report for the work done should be submitted one (1) week after completion of the training.
- 5.8 Competency certificates for participants be submitted to the HRD Officer within four (4) months after completion of training.

6. LEARNING OUTCOMES

After this training the expected learning outcomes are that the participants will able to:

- 1. List the type of offences that would lead to a disciplinary hearing
- 2. Prepare, investigate and formulate charges for any disciplinary hearing
- 3. List the rights and duties of the employer and employee in the employment relationship.
- 4. Name and explain particular type of offences
- 5. List and identify types of evidence that may be presented in a disciplinary hearing
- 6. List and identify suitable sanctions

7. Explain what mitigating and aggravating circumstances should be considered in any sanction imposed
8. Explain the procedure of an appeal and possible consequences of unfair dismissal
9. Explain the role of the chairperson in disciplinary hearing
10. List the steps and procedures to be followed in disciplinary hearing
11. Explain the concepts of substantive and procedural fairness in the disciplinary hearing.
12. Deliver the outcome of the disciplinary enquiry
13. Know how to chair and manage disciplinary enquiry
14. Be prepared to present at the CCMA, should a matter be referred

7. PROPOSAL/ SUBMISSION REQUIREMENTS

7.1 List of Contents

All proposals must cover the following aspects of importance:

7.1.1 A Detailed Company Profile

Including brief history, field of expertise, staff resources, a proven tracking record of conducting trainings, where the main office is based as well as any other offices and a list of recently completed projects, similar to the one required in this document.

7.1.2 Proposed Methodology

Service provider should come up with a sound and workable methods for the development of the above.

7.1.3 Accreditation

7.1.3.1 Training provider must be accredited by the relevant Sector Education and Training Authority (SETA)

7.1.3.2 A copy of accreditation certificate, specifically a letter from the SETA specifying the areas of accreditation must be attached to the proposal.

7.1.4 Proposed Cost Structure

Detailed Breakdown of Proposed Fee Structure should be clearly stated and whether it's inclusive of VAT or not.

7.2 Expertise Required:

It is the responsibility of the appointed service provider to make a constant follow up on the submission of the certificates of the learners at least four months after completion of training.

7.3 Compulsory Terms and Conditions

A proposal will not be considered unless the service provider furnishes the ULM with the duly completed documents mentioned from 7.1.1 to 7.1.4 above. In the event that a proposal is submitted by a consortium/joint venture, each party, consultant and or sub-contractor of such consortium/joint venture must complete each of the documents mentioned below:-

- a) Proof Ownership
- b) Declaration of Interests
- c) Tax Certificate

7.4 The consortium submitting the proposal must declare any conflict of interests that it may have.

7.5 The ULM reserve the rights, not to accept any proposals in part or in whole

7.6 The ULM reserves the rights to suggest partnerships or joint venture to be formed between bidders, or that the assignment must be awarded to an exclusive BEE firm.

7.7 The ULM reserve the rights to amend any conditions, validity period, etc. in the event of material changes to the procedures, all parties will be duly notified and be dealt with transparently and equitable.

7.8 Successful bidders will need to be prepared to commence work within 14 working days of being informed of the awarding of the tender.

7.9 Failure to comply with these conditions will result in the invalidation of the proposal and subsequent expulsion/termination from the process.

7.10 Successful bidder will be required to submit a detailed close-out report.

7.11 The guidelines contained in the Umzimvubu Local Municipality Supply Chain Management policy will apply.

8. WHERE TO SUBMIT:

8.1 All submissions must be clearly marked:

“TRAINING OF MUNICIPAL EMPLOYEES ON DISCIPLINARY HEARING”

and be addressed for the attention of **the Municipal Manager, Mr G.P.T. Nota.**

8.2 Submissions must be hand delivered to the Supply Chain Management Municipal Offices in Mount Frere (KwaBhaca) at 813 Main Street, Mount Frere.

8.3 **Due date for the submission of proposal is September 2020 at 12H00. NO LATE SUBMISSIONS WILL BE CONSIDERED**

9. INFORMATION AND ENQUIRIES

9.1 TECHNICAL ENQUIRIES

To the attention of Ms N. Ndongeni of Human Resource office and Mr T Mbukushe
–Supply Chain Management office

Phone : +2739 255 8563/8555

Fax : +2739 255 0167

Email : [Ndongeni.Nosisa @umzimbvubu.gov.za](mailto:Ndongeni.Nosisa@umzimbvubu.gov.za).

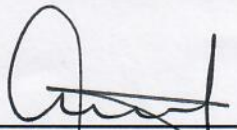
9.2 OTHER ENQUIRES

Any other queries related to the bid must be addressed to the attention of the
Municipal Manager, Mr G.P.T. Nota.

813 Main Street
Private Bag X 9020
MOUNT FRERE
5090

Phone : +2739 255 8563

Fax : +2739 255 0167



MRS TT. MADOTYENI -NGCONGCA
MANAGER: CORPORATE SEVIRCES