

FREE STATE PROVINCE



Enquiries: Koikoi Dingaen

Reference: LA 7/1/1/5

To: Office of the MEC
Head of Department
Chief Director: Financial and Corporate Services
Chief Director: Agricultural Extension and Development
Head: Community Project Fund Support Programme
Regional Directors: Motheo, Xhariep, Lejweleputswa, Thabo
Mofutsanyane, Northern Free State.
Director: Farmer Support, Development and Food Security
Director: Glen Development Institute
Director: Management Services
Director: Human Resource Administration
Heads of Components and Sections
All Government Owned Vehicles Users

DEPARTMENTAL TRANSPORT CIRCULAR NO. 4 OF 2006

MISCONDUCT RELATING TO THE MISUSE OF GOVERNMENT OWNED VEHICLES.

In terms of Transport Circular No. 4 of 2000, paragraph 22.1, "If Government Owned Vehicles are used irregularly, driven recklessly, neglected or misused, the matter must be viewed in a serious light and disciplinary action against the offending official should be considered apart from any proceedings which may be instituted in terms of the Road Traffic Act."

Managers and supervisors are herewith notified that the misuse and misconducts relating to the use of Government Owned Vehicles will henceforth be dealt with in accordance to the PSCBC Resolution No.2 of 1999, paragraph 6, which states:

"If the alleged misconduct justifies a more serious form of disciplinary action than provided in paragraph 5, the employer may initiate a disciplinary enquiry. The employer must appoint a representative, who as far as possible should be the manager for the employee, to initiate the enquiry."

By order,


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I. L. SILINDA
ACT. HEAD OF DEPARTMENT: AGRICULTURE

- 5.4 **Final written warnings.** In cases where the seriousness of the misconduct warrants a final written warning, the manager may give the employee a final written warning. The following provisions apply to final written warnings:
- a. The final written warning may use the form of Annexure C.
 - b. The manager must give a copy of the final written warning to the employee, who must sign receipt of it. If the employee refuses to sign receipt, the manager must hand the warning to the employee in the presence of another employee, and sign in confirmation that the final written warning was conveyed to the employee.
 - c. The final written warning must be filed in the employee's personal file.
 - d. A final written warning remains valid for six months. At the expiry of the six months, the final written warning must be removed from the employee's personal file and destroyed.
 - e. If during the six-month period, the employee is subject to disciplinary action, the final written warning may be taken into account in deciding an appropriate sanction.
- 5.5 For less serious forms of misconduct, no formal enquiry shall be held.
- 5.6 For the purpose of determining appropriate disciplinary actions, valid warnings for similar offences by the employee shall be taken into account.

6 **SERIOUS MISCONDUCT**

- 6 If the alleged misconduct justifies a more serious form of disciplinary action than provided in paragraph 5, the employer may initiate a disciplinary enquiry. The employer must appoint a representative, who as far as possible should be the manager for the employee, to initiate the enquiry.

7 **DISCIPLINARY ENQUIRY**

- 7.1 **Notice of enquiry**
- a. The employee must be given notice at least five working days before the date of the hearing.
 - b. The employee must sign receipt of the notice. If the employee refuses to sign receipt of the notice, it must be given to the employee in the presence of a fellow employee who shall sign in confirmation that the notice was conveyed to the employee.
 - c. The written notice of the disciplinary meeting must use the form of Annexure D, and provide:
 - i. a description of the allegations of misconduct and the main evidence on which the employer will rely;
 - ii. details of the time, place and venue of the hearing; and
 - iii. information on the rights of the employee to representation by a fellow employee or a recognised trade union, and to bring witnesses to the hearing.
- 7.2 **Precautionary suspension**
- a. The employer may suspend an employee on full pay or transfer the employee if
 - i. the employee is alleged to have committed a serious offence; and
 - ii. the employer believes that the presence of an employee at the workplace might jeopardise any investigation into the alleged misconduct, or endanger the well being or safety of any person or state property.
 - b. A suspension of this kind is a precautionary measure that does not constitute a judgement, and must be on full pay.
 - c. If an employee is suspended or transferred as a precautionary measure, the employer must hold a disciplinary hearing within a month. The chair of the hearing must then decide on any further postponement.