

PERFORMANCE AGREEMENT

MADE AND ENTERED INTO BY AND BETWEEN

GREATER LETABA MUNICIPALITY

AS REPRESENTED BY THE MUNICIPAL MANAGER

MR. SEWAPE MO

AND

GUGU IMMACULATE NHLANE

THE EMPLOYEE OF THE MUNICIPALITY

and

Gugu Immaculate Nhlane as the Employee of the Municipality (hereinafter referred to as the **Employee**).

WHEREBY IT IS AGREED AS FOLLOWS:

1. INTRODUCTION

- 1.1 The **Employer** has entered into a contract of employment with the **Employee** in terms of section 57(1) (a) of the Local Government: Municipal Systems Act 32 of 2000 ("the Systems Act"). The **Employer** and the **Employee** are hereinafter referred to as "the Parties".
- 1.2 Section 57(1) (b) of the Systems Act, read with the Contract of Employment concluded between the parties, requires the parties to conclude an annual performance agreement.
- 1.3 The parties wish to ensure that they are clear about the goals to be achieved, and secure the commitment of the **Employee** to a set of outcomes and outputs that will secure local government policy goals.
- 1.4 The parties wish to ensure that there is compliance with Sections 57(4A), 57(4B) and 57(5) of the Systems Act.

2. PURPOSE OF THIS AGREEMENT

The purpose of this Agreement is to -

- 2.1 Comply with the provisions of Section 57(1)(b),(4A),(4B) and (5) of the Act as well as the employment contract entered into between the parties.
- 2.2 Specify objectives and targets defined and agreed with the employee and to communicate to the employee the employer's expectations of the employee's performance and accountabilities in alignment with the Integrated Development Plan, Service Delivery and Budget Implementation Plan (SDBIP), the Departmental Business Plan and the Budget of the Municipality.

beginning of the first month of the successive financial year.

- 3.3 This Agreement will terminate on the termination of the **Employee's** contract of employment for any reason.
- 3.4 The content of this Agreement may be revised at any time during the above-mentioned period to determine the applicability of the matters agreed upon.
- 3.5 If at any time during the validity of this Agreement the work environment alters (whether as a result of government or Council decisions or otherwise) to the extent that the contents of this Agreement are no longer appropriate, the contents shall immediately be revised.

4 PERFORMANCE OBJECTIVES

- 4.1 The Performance Plan (Annexure A) sets out-
 - 4.1.1 the performance objectives and targets that must be met by the **Employee**; and
 - 4.1.2 the time frames within which those performance objectives and targets must be met.
- 4.2 The performance objectives and targets reflected in Annexure A are set by the **Employer** in consultation with the **Employee** and based on the Integrated Development Plan, Service Delivery and Budget Implementation Plan (SDBIP) and the Budget of the **Employer**, and shall include key objectives; key performance indicators; targets that may include dates and weightings.
 - 4.2.1 The key objectives describe the main tasks that need to be done.
 - 4.2.2 The key performance indicators provide the details of the evidence that must be provided to show that a key objective has been achieved.
 - 4.2.3 The target dates describe the timeframe in which the work must be achieved.
 - 4.2.4 The weightings show the relative importance of the key performance areas, key objectives and key performance indicators to each other in terms of the position.

shall be contained in the Performance Agreement.

- 5.5.1 The **Employee** must be assessed against both components, with a weighting of 80:20 allocated to the Key Performance Areas (KPA's) and the Core Competency Requirements (CCR's) respectively.
 - 5.5.2 Each area of assessment will be weighted and will contribute a specific part to the total score.
 - 5.5.3 KPA's covering the main areas of work will account for 80% and CCR's will account for 20% of the final assessment.
- 5.6 The **Employee's** assessment will be based on his performance in terms of the outputs / outcomes (performance indicators) identified as per attached Performance Plan (**Annexure A**), which are linked to the KPA's, and will constitute 80% of the overall assessment result as per the weightings agreed to between the **Employer** and **Employee**:

Key Performance Areas	Weighting (5%)
Municipal Institutional Development and Transformation	5
Basic Service Delivery	65
Local Economic Development (LED)	5
Municipal Financial Viability and Management	15
Good Governance and Public Participation	10
Total	100%

- 5.7 In the case of managers directly accountable to the Municipal Manager, key performance areas related to the functional area of the relevant manager must be subject to negotiation between the Municipal Manager and the relevant manager.
- 5.8 The CRs will make up the other 20% of the Employee's assessment score. CRs that are deemed to be most critical for the Employee's specific job should be selected (✓) from the list below as agreed to between the Employer and Employee. Three of the CRs are compulsory for Municipal Managers:

Communication	√	5%
Results and Quality Focus	√	5%
Total percentage	-	100%

6. EVALUATING PERFORMANCE

6.1 The Performance Plan (**Annexure A**) to this Agreement sets out -

6.1.1 The standards and procedures for evaluating the **Employee's** performance; and

6.1.2 The intervals for the evaluation of the employees performance

6.2 Despite the establishment of agreed intervals for evaluation, the **Employer** may in addition review the **Employee's** performance at any stage while the contract of employment remains in force.

6.3 Personal growth and development needs identified during any performance review discussion must be documented in a Personal Development Plan as well as the actions agreed to and implementation must take place within agreed time frames in the Personal Development.

6.4 The **Employee's** performance will be measured in terms of contributions to the strategic objectives and strategies set out in the **Employer's** IDP.

6.5 The bi-annual and annual performance appraisal will involve:

6.5.1 **Assessment of the achievement of results as outlined in the performance plan:**

(a) Each KPA should be assessed according to the extent to which the specified standards or performance indicators have been met and with due regard to ad hoc tasks that had to be performed under the KPA.

(b) An indicative rating on the five-point scale should be provided for each KPA.

(c) The applicable assessment rating calculator (refer to paragraph 6.5.3 below) must then be used to add the scores and calculate a final KPA score.

Competency Requirements¹

	Competent (3)	Advanced (4)	Superior (5)
<p>• Institutional and strategic tasks the ability to achieve set specific tasks</p> <p>• Institutional strategies but assistance in directing understanding of performance</p> <p>• Institutional tasks the systems into the basic key decision-</p>	<ul style="list-style-type: none"> • Give direction to a team in realising the institution's strategic mandate and set objectives • Has a positive impact and influence on the morale, engagement and participation of team members • Develop action plans to execute and guide strategy implementation • Assist in defining performance measures to monitor the progress and effectiveness of the institution • Displays an awareness of institutional structures and political factors • Effectively communicate barriers to execution to relevant parties • Provide guidance to all stakeholders in the achievement of the strategic mandate • Understand the aim and objectives of the institution and relate it to own work • Seek opportunities to increase team contribution and responsibility • Respect and support the diverse nature of others and be aware of the benefits of a diverse approach • Effectively delegate tasks and empower others to increase contribution and execute functions optimally • Apply relevant employee legislation fairly and consistently • Facilitate team goal-setting and problem-solving • Effectively identify capacity requirements to fulfil the strategic mandate • Establish broad stakeholder involvement and communicate the 	<ul style="list-style-type: none"> • Evaluate all activities to determine value and alignment to strategic intent • Display in-depth knowledge and understanding of strategic planning • Align strategy and goals across all functional areas • Actively define performance measures to monitor the progress and effectiveness of the institution • Consistently challenge strategic plans to ensure relevance • Understand institutional structures and political factors, and the consequences of actions • Empower others to follow strategic direction and deal with complex situations • Guide the institution through complex situations and ambiguous concern • Use understanding of power relationships and dynamic tensions among key players to frame communications and develop strategies, positions and alliances 	<ul style="list-style-type: none"> • Structural local • Actively undertake/implement framework • Executive • Professional • Build relationships • Create loyalty • Superior • Integrate • Collect • Perform • Uses • Interest • Win/win
<p>• Team goal-solving</p> <p>• Collaborate with backgrounds</p> <p>• For appointment, but in development</p> <p>• After approval</p> <p>• Priorities</p>	<ul style="list-style-type: none"> • Identify ineffective team and work processes and recommend remedial interventions • Recognise and reward effective and desired behaviour • Provide mentoring and guidance to others in order to increase personal effectiveness • Identify development and learning needs within the team • Build a work environment conducive to sharing, innovation, ethical behaviour and professionalism • Inspire a culture of performance excellence by giving positive and constructive feedback to the team • Achieve agreement or consensus in adversarial environments • Lead and unite diverse teams across divisions to achieve institutional objectives • Manage multiple programmes and balance priorities and conflicts according to institutional 	<ul style="list-style-type: none"> • Identify ineffective team and work processes and recommend remedial interventions • Recognise and reward effective and desired behaviour • Provide mentoring and guidance to others in order to increase personal effectiveness • Identify development and learning needs within the team • Build a work environment conducive to sharing, innovation, ethical behaviour and professionalism • Inspire a culture of performance excellence by giving positive and constructive feedback to the team • Achieve agreement or consensus in adversarial environments • Lead and unite diverse teams across divisions to achieve institutional objectives • Manage multiple programmes and balance priorities and conflicts according to institutional 	<ul style="list-style-type: none"> • People • Approach • Institutional • Respect • Account • Diverse • Incorporate • Institutional • Human • Management • And • Facilitate • Performance • Long-

Competency Requirements¹

	Competent (3)	(Advanced) (4)	(Sup)
<p>cedures of project methodology, stakeholder</p> <p>ration of on to the</p> <p>egic objectives communicate associated with</p> <p>d approaches of</p> <p>ct</p> <p>as guide</p>	<p>project status and key milestones</p> <ul style="list-style-type: none"> Define the roles and responsibilities of the project team and create clarity around expectations Find a balance between project deadline and the quality of deliverables Identify appropriate project resources to facilitate the effective completion of the deliverables Comply with statutory requirements and apply policies in a consistent manner monitor progress and use of resources and make needed adjustments to timelines, steps and resource allocation 	<p>goals</p> <ul style="list-style-type: none"> Apply effective risk management strategies through impact assessment and resource requirements Modify project scope and budget when required without compromising the quality and objectives of the project Involve top-level authorities and relevant stakeholders in seeking project buy-in Identify and apply contemporary project management methodology Influence and motivate project team to deliver exceptional results Monitor policy implementation and apply procedures to manage risks 	<p>outcomes</p> <ul style="list-style-type: none"> Direct macro project initiatives Focus on objectives Authenticate project Project into Monitor Resource Adjust
<p>Basic financial methods as they</p> <p>onal processes</p> <p>ess into the</p> <p>of financial</p> <p>mechanisms, nance,</p> <p>systems</p> <p>importance of</p> <p>stability</p> <p>importance of</p>	<ul style="list-style-type: none"> Exhibit knowledge of general financial concepts, planning, budgeting, and forecasting and how they interrelate Assess, identify and manage financial risks Assume a cost-saving approval to financial management Prepare financial reports based on specified formats Consider and understand the financial implications of decisions and suggestions Ensure that delegation and instructions are required by National Treasury guidelines are reviewed and updated Identify and implement proper monitoring and evaluation practices to ensure appropriate spending against budget Display a thorough understanding of governance and risk and compliance factors and implement plans to address these 	<ul style="list-style-type: none"> Take active ownership of planning, budgeting, and forecast processes and provides credible answers to queries within own responsibility Prepare budgets that are aligned to the strategic objectives of the institution Address complex budgeting and financial management concerns Put systems and processes in place to enhance the quality and integrity of financial management practices Advise on policies and procedures regarding asset control Promote National Treasury's regulatory framework for Financial Management 	<ul style="list-style-type: none"> Develop evaluate experience Set institute Set on e proc • Built impro achiev • Act meth • Dis finan
<p>awareness of</p> <p>and</p> <p>ors but require</p> <p>development in</p>		<p>Able to link risk initiative into key institutional objectives and drivers</p> <ul style="list-style-type: none"> Identify, analyse and measure risk, create valid risk forecasts, and map risk profiles 	<p>com</p> <p>gove</p> <p>• impr</p>

Competency Requirements¹

	Competent (3)	(Advanced) (4)	(Superior)
<p>Each structure of government but are on fostering relationships between to policy</p> <p>Concept of acting it requires development in principles; rules and the institution basic moral requires development in and reasoning</p> <p>Basic plans and around set process of organising but base and providing comprehensive existing plans objectives are</p>	<ul style="list-style-type: none"> • Demonstrate understanding of the techniques and processes for optimising risk taking decisions within the institution • Actively drive policy formulation within the institution to ensure the achievement of objectives <ul style="list-style-type: none"> • Conduct self in alignment with the values of Local Government and the institution • Able to openly admit own mistakes and weaknesses and seek assistance from others when unable to deliver • Actively report fraudulent activity and corruption within local government • Understand and honour the confidential nature of matters without seeking personal gain • Able to deal with situations of conflict of interest promptly and in the best interest of local government 	<ul style="list-style-type: none"> • Apply risk control methodology and approaches to prevent and reduce risk that impede on the achievement of institutional objectives • Demonstrate a thorough understanding of risk retention plans • Identify and implement comprehensive risk management systems and processes • Implement and monitor the formulation of policies, identify and analyse constraints and challenges with implementation and provide recommendations for improvement 	<ul style="list-style-type: none"> • Apply risk control methodology and approaches to prevent and reduce risk that impede on the achievement of institutional objectives • Demonstrate a thorough understanding of risk retention plans • Identify and implement comprehensive risk management systems and processes • Implement and monitor the formulation of policies, identify and analyse constraints and challenges with implementation and provide recommendations for improvement
	<ul style="list-style-type: none"> • Able to openly admit own mistakes and weaknesses and seek assistance from others when unable to deliver • Actively report fraudulent activity and corruption within local government • Understand and honour the confidential nature of matters without seeking personal gain • Able to deal with situations of conflict of interest promptly and in the best interest of local government <ul style="list-style-type: none"> • Actively and appropriately organise information and resources required for a task • Recognise the urgency and importance of tasks • Balance short and long-term plans and goals and incorporate into the team's performance objectives • Schedule tasks to ensure they are performed within budget and with efficient use of time and resources 	<ul style="list-style-type: none"> • Identify, develop, and apply measures of self-correction • Able to gain trust and respect through aligning actions with commitments • Make proposals and recommendations that are transparent and gain the approval of relevant stakeholders • Present values, beliefs and ideas that are congruent with the institution's rules and regulations • Takes an active stance against corruption and dishonesty when noted • Actively promote the value of the institution to internal and external stakeholders • Able to work in unity with a team and not seek personal gain • Apply universal moral principles consistently to achieve moral decisions 	<ul style="list-style-type: none"> • Create moral • Act to measure • Set to correct • Take to account • Insist on local • Take decisions • Uphold
	8		

Competency Requirements¹

	Competent (3)	(Advanced) (4)	(Super)
<p>• Develop long-term contingency plans</p> <p>• Analyze and synthesize information needed for a task, project or program structure and</p>	<ul style="list-style-type: none"> Measures progress and monitor performance results 	<p>Implement appropriate contingency plans</p> <ul style="list-style-type: none"> Adapt plans in light of changing circumstances Prioritize tasks and projects according to their relevant urgency and importance 	
<p>• Demonstrate a basic understanding of organizational analysis, but lack depth and breadth</p> <p>• Demonstrate an independent ability to analyze and synthesize information, but lack the ability to question others</p> <p>• Demonstrate a few ways to solve a problem on their own</p> <p>• Demonstrate a remedial ability to identify and address issues that are marginally beyond the status quo</p> <p>• Demonstrate ideas and solutions that are innovative</p>	<ul style="list-style-type: none"> Demonstrate logical problem solving techniques and approaches and provide rationale for recommendations Demonstrate objectivity, insight, and thoroughness when analysing problems Able to break down complex problems into manageable parts and identify solutions Consult internal and external stakeholders on opportunities to improve processes and service delivery Clearly communicate the benefits of new opportunities and innovative solutions to stakeholders Continuously identify opportunities to enhance internal processes Identify and analyse opportunities conducive to innovative approaches and propose remedial intervention 	<ul style="list-style-type: none"> Coaches team members on analytical and innovative approaches and techniques Engage with appropriate individuals in analysing and resolving complex problems Identify solutions on various areas in the institution Formulate and implement new ideas throughout the institution Able to gain approval and buy-in for proposed interventions from relevant stakeholders Identify trends and best practices in process and service delivery and propose institutional application Continuously engage in research to identify client needs 	<ul style="list-style-type: none"> Develop problem solving techniques Conduct an independent analysis Analyze and synthesize information Monitor and evaluate performance Present proposals Communicate ideas and solutions Learn from others Be innovative Customer focused Optimistic Pragmatic Natural Gov
<p>• Analyse and track progress of projects and projects</p> <p>• Interpret and draw conclusions from data</p> <p>• Create information with internal and external team</p>	<ul style="list-style-type: none"> Use appropriate information systems and technology to manage institutional knowledge and information sharing Evaluate data from various sources and use information effectively to influence decisions and provide solutions Actively create mechanisms and structures for sharing of information Use external and internal resources to research and provide 	<ul style="list-style-type: none"> Effectively predict future information and knowledge management requirements and systems Develop standards and processes to meet future knowledge management needs Share and promote best-practice knowledge management across various institutions Establish accurate measures and monitoring systems for knowledge and information management Create a culture conducive of learning and knowledge sharing 	<ul style="list-style-type: none"> Communicate Cultivate Empower Knowledge Essential Governance Management Knowledge Analysing Research

Competency Requirements¹

	Competent (3) relevant and cutting-edge knowledge to enhance institutional effectiveness and efficiency	(Advanced) (4) • Hold regular knowledge and information sharing sessions to elicit new ideas and share best practice approaches	(Super) point exter
<p>in or vers and tools e audience, balance in ls in a clear and but does not needs of the nsideration nd convey nowledge</p>	<ul style="list-style-type: none"> Express ideas to individuals and groups in formal and informal settings in a manner that is interesting and motivating Able to understand, tolerate and appreciate diverse perspectives, attitudes and beliefs Adapt communication content and style to suit the audience and facilitate optimal information transfer Deliver content in a manner that gains support, commitment and agreement from relevant stakeholders Compile clear, focused, concise and well-structured written documents 	<ul style="list-style-type: none"> Effectively communicate high-risk and sensitive matters to relevant stakeholders Develop a well-defined communication strategy Balance political perspectives with institutional needs when communicating viewpoints on complex issues Able to effectively direct negotiations around complex matters and arrive at a win-win situation that promotes Batho Pele principles Market and promote the institution to external stakeholders and seek to enhance a positive image of the institution Able to communicate with the media with high levels of moral competence and discipline 	<ul style="list-style-type: none"> negotiate instill through impart
<p>ality of work alance in ortant matters commitment to rrect results imum level of in the role mes that is of a quantity of res ncorporating rk y work in tances, but fails tion when under</p>	<ul style="list-style-type: none"> Focus on high-priority actions and does not become distracted by lower-priority activities Display firm commitment and pride in achieving the correct results Set quality standards and design processes and tasks around achieving set standards Produce output of high quality Able to balance the quantity and quality of results in order to achieve objectives Monitors progress, quality of work, and use of resources; provide status updates, and make adjustments as needed 	<ul style="list-style-type: none"> Consistently verify own standards and outcomes to ensure quality output Focus on the end result and avoids being distracted Demonstrate a determined and committed approach to achieving results and quality standards Follow task and projects through to completion Set challenging goals and objectives to self and team and display commitment to achieving expectations Maintain a focus on quality outputs when placed under pressure Establishing institutional systems for managing and assigning work, defining responsibilities, tracking, monitoring and measuring success, evaluating and valuing the work of the institution 	<ul style="list-style-type: none"> qualitative Deliver goals perspectives Communicate qualitative perform interest challenges long-term Team goals Oversee plans Focus yield

Table 4: Rating Scale			
Rating	Terminology	Description	% Score
5	Outstanding performance	Performance far exceeds the standard expected of an employee at this level. The appraisal indicates that the Employee has achieved above fully effective results against all performance criteria and indicators as specified in the PA and Performance Plan and maintained this in all areas of responsibility throughout the year.	167%
4	Performance significantly above expectations	Performance is significantly higher than the standard expected in the job. The appraisal indicates that the Employee has achieved above fully effective results against more than half of the performance criteria and indicators and fully achieved all others throughout the year.	(133-166%)
3	Fully effective	Performance fully meets the standards expected in all areas of the job. The appraisal indicates that the Employee has fully achieved effective results against all significant performance criteria and indicators as specified in the PA and Performance Plan.	(100-132%)
2	Not fully effective	Performance is below the standard required for the job in key areas. Performance meets some of the standards expected for the job. The review/assessment indicates that the Employee has achieved below fully effective results against more than half the key performance criteria and indicators as specified in the PA and Performance Plan.	(67-99%)
1	Unacceptable performance	Performance does not meet the standard expected for the job. The review/assessment indicates that the Employee has achieved below fully effective results against almost all of the performance criteria and indicators as specified in the PA and Performance Plan. The Employee has failed to demonstrate the commitment or ability to bring performance up to the level expected in the job despite management efforts to encourage improvement.	(0-66 %)

Third quarter
Fourth quarter

: January – March 2024
: April – June 2024

(April 2024)
(August 2024)

- 7.2 The **Employer** shall keep a record of the mid-year review and annual assessment meetings.
- 7.3 Performance feedback shall be based on the **Employer's** assessment of the **Employee's** performance.
- 7.4 The **Employer** will be entitled to review and make reasonable changes to the provisions of Annexure "A" from time to time for operational reasons. The **Employee** will be fully consulted before any such change is made.
- 7.5 The **Employer** may amend the provisions of Annexure A whenever the performance management system is adopted, implemented and / or amended as the case may be. In that case the **Employee** will be fully consulted before any such change is made.

8. DEVELOPMENTAL REQUIREMENTS

The Personal Development Plan (PDP) for addressing developmental gaps is attached as **Annexure B**.

9. OBLIGATIONS OF THE EMPLOYER

9.1 The Employer shall –

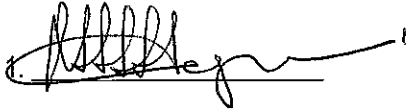
- 9.1.1 Create an enabling environment to facilitate effective performance by the Employee.
- 9.1.2 Provide access to skills development and capacity building opportunities.
- 9.1.3 Work collaboratively with the **Employee** to solve problems and generate solutions to common problems that may impact on the performance of the **Employee**.
- 9.1.4 On the request of the **Employee** delegate such powers reasonably required by the **Employee** to enable him to meet the performance objectives and targets established in terms of this Agreement.

- 11.1 The evaluation of the **Employee's** performance will form the basis for rewarding outstanding performance or correcting unacceptable performance.
- 11.2 A performance bonus of between 5% to 14% of the all-inclusive annual remuneration package may be paid to the **Employee** in recognition of outstanding performance to be constituted as follows:
- 11.2.1 A score of 130% to 149% is awarded a performance bonus ranging from 5% to 9%.
 - 11.2.2 A score of 150% and above is awarded a performance bonus ranging from 10% to 14%.
 - 11.2.3 Specific bonus percentages will be determined on a sliding scale (as contained in the PMS Policy of Council), proportionately to the points scored, rounded up to the next 0.25 percentage. eg. 136% score = 6.678% = 6.75% bonus.
- 11.3 In the case of unacceptable performance, the **Employer** shall –
- 11.3.1 Provide systematic remedial or developmental support to assist the **Employee** to improve his performance
 - 11.3.2 After appropriate performance counselling and having provided the necessary guidance and/ or support as well as reasonable time for improvement in performance, the **Employer** may consider steps to terminate the contract of employment of the **Employee** on grounds of unfitness or incapacity to carry out his duties.

12. DISPUTE RESOLUTION

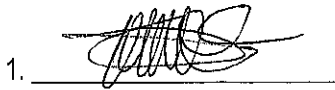
- 12.1 Any disputes about the nature of the **Employee's** performance agreement, whether it relates to key responsibilities, priorities, methods of assessment and/ or any other matter provided for, shall be mediated by –
- 12.1.1 The MEC for local government in the Province within thirty (30) days of receipt of a formal dispute from the **Employee**
 - 12.1.2 Any other person appointed by the MEC
 - 12.1.3 In the case of managers directly accountable to the Municipal Manager, a member of the municipal council, provided that such member was not part of the evaluation panel provided for in sub-regulation 27(4)(e) of the Municipal Performance Regulations, 2006 within thirty (30) days of receipt of a formal dispute from the employee

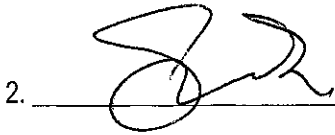
AS WITNESSES:

1.  _____

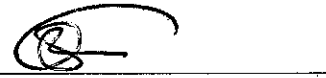
2.  _____

AS WITNESSES:

1.  _____

2.  _____

EMPLOYEE

 _____

EMPLOYER

 _____