

MOPANI DISTRICT MUNICIPALITY



CELLPHONE AND MOBILE COMMUNICATION DEVICES POLICY

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VERSION CONTROL

Version	Date	Author(s)	Details
1.	02/05/2024	Ngobeni EN	Annual Revision 2023/24 Changes to limit amounts for different categories and job levels

REFERENCES

This policy document shall be read in conjunction with the following Acts and Standards.

- I. The Constitution of the SA Act, No. 108 of 1996
- II. Municipal Finance Management Act, No. of 2004
- III. Local Government Municipal Structure Act, No. 117 Act Of 1998
- IV. Local Government Municipal Systems Act, No. 32 of 2000
- V. Mopani District Municipality Supply Chain Management Policy and Procedures
- VI. Mopani District Municipality Asset Management Policy and Procedures

DEFINITIONS OF ABBREVIATIONS AND TERMS

- I. **Accounting Officer** means Municipal Manager or an official duly appointed by Council to act in the position of the Municipal Manager of Mopani District Municipality;
- II. **Municipality** means Mopani District Municipality as described by the Constitution of the Republic of South Africa Act, and Municipal Structures Act;
- III. **Official** means an employee of Mopani District Municipality employed in terms of Municipal Systems Act or South African Local Government Bargaining Council Collective Agreement on Conditions of Service;
- IV. **Official call or text message** means a call made received, or text message sent or received in pursuit of an official duty;
- V. **Pool Cell Phone** means a mobile phone kept by the various municipal directorates who by nature of their work do not qualify for municipality cell phone and private cell phone for business use;
- VI. **Private call or text message** means a call made received, or text message sent or received that does not further the interests of the municipality, but personal interests;
- VII. **SMS** means short message service provided by cell phone services providers

VIII. Where reference is made to one gender in this policy it also includes and refers to the other gender.

Policy Number:	Approval Date:
Effective Date:	Review Date:

1. INTRODUCTION

- I. Cellphones, Tablet and wireless data modems have become an extremely useful tool in facilitating effective and efficient service delivery, and cellphones must be regarded as working tool for maintaining line of communication to assist officials in the performance of the jobs, and not a service benefit.
- II. To enable and enhance the productivity and financial management of the municipality, it is of critical importance to make use of the latest communication technology and the most effective cell phone and data packages available, and consequently officials must be provided with cell phones and tablets in a controlled manner for official business purposes, primarily for making and receiving official business calls when then they are not physically available or accessible at the office.
- III. To ensure that cell phones and tablets are utilised efficiently and economically at all times, it is necessary that clear policy guidelines be in place regarding the use of these facilities, to provide uniformity throughout the municipality on the criteria in terms of which employees qualify to utilise their private cell phones for official purposes and be reimbursed by the municipality, and which employees qualify to be provided with a municipality acquired cell phones.

- IV. The provision of cell phones, tablets and wireless data modems does not seek to create luxury, but to ensure effective official communication where required and improved delivery of services to communities served by the municipality.

2. BACKGROUND

- I. In determining the policy content, cognisance of Practice Note FM-14 of 2006 and Department of Public Service and Administration Circular Minute, Reference E1/2/1, dated 28 June 2002 was taken, which provides for the following three options:
 - (a) The municipality holds a contract with a cell phone services provider;
 - (b) The official holds a contract with a cell phone services provider, and is reimbursed for expenditure for official communication;
 - (c) The payment of cell phone allowance to officials, which has tax implications to officials receiving such allowance.
- II. The municipality has chosen to implement a combination of the options contemplated in sub-clauses 2.1(a) and 2.1(b) for officials after determining that they are the most beneficial for the municipality.

3. PURPOSE

The purpose of this policy is to:

- I. Spell out clear principles, policy provisions, responsibilities, and control measures for efficient utilization of municipality cell phones, tablets and wireless data modems by all officials of the municipality;
- II. Provide guidelines and define clearly who is entitled to a cell phone, tablet or wireless data modem, how the cost of purchasing the asset and the ancillary equipment will be met, how the rental and call costs will be met, and control thereof;
- III. Provide terms and conditions according to which officials must utilise cell phones provided by the municipality;

- IV. Facilitate the delivery of services to the relevant stakeholders in an efficient and effective, and economic manner;
- V. Provide criteria in terms of which cell phones must be procured by officials; and
- VI. Provide the manner in terms of which employees are to be reimbursed for expenditure associated with use of personal cell phones for official purposes.

4. SCOPE OF THE POLICY

- I. This policy is applicable to all permanent, contract and temporary personnel employed by the municipality who have been deemed to qualify for utilization of municipality cell phone, use of personal cell phone for official purposes, tablet or wireless data modem supplied by the municipality. In this policy "officials" includes employees/staff/officials supplied by labour brokers or service-providers to the municipality.
- II. This policy must be made an enforceable part of any contract with a labour broker or service provider whose personnel may qualify to be supplied with a municipality cell phone, tablet or use of personal cell phone for official business.

5. LEGAL MANDATE

The Municipal Finances Management Act, Act No. 36 of 2003, and Municipal Systems Act, No. 32 of 2000, requires that existing policies and regulations be assessed and/or reviewed in line with development taking place in local government sector.

POLICY STATEMENTS

5.1. Criteria for Qualification

- i. The Municipal Manager, Senior Managers reporting directly to the Municipal Manager appointed in terms of section 56 of the Municipal Systems Act, Act No. 32 of 2000, and Managers employed on contract basis with a cost to employer package shall be required to utilize their personal cell phones for official purposes, and shall be reimbursed for costs incurred by these categories of officials, provided that:
 - (a) The above categories of employees are required to be available on their cell phones at all times;
 - (b) They take out a cell phone contract with a cell phone services in South Africa in their name;
 - (c) The official calls being made or received are not frivolous;
 - (d) They submit timeously as per schedule of submission to Budget & Treasury for claims, a record of the itemised billing from their cell phone services providers will all official calls marked, and total cost thereof clearly indicated.
- ii. All employees on job levels 3 to 5 shall qualify for a municipality cell phone.
- iii. Any other employees not on job levels 3 to 5 as per requirement of their job functions and approval of the Municipal Manager.

5.2 Policy Options and Applicable Conditions

This policy provides for the following two categories for the implementation and application of this policy:

- a) **Category A**, which applies to all employees of the municipality who have been identified to qualify for a municipality cell phone, as determined by this policy, and include:

- i. Employees on job levels 3 to 5;
- ii. Employees other than those on job levels 3 to 5 whose nature of work require that that they be available on cell phone when outside office, and approved by the Municipal Manager to receive municipality cell phone;
- iii. Water Services Satellite Office Managers;
- iv. Fire Services Divisional Officers;
- v. All secretaries;
- vi. Drivers of The Executive Mayor and The Speaker of Council
- vii. Coordinators on approval by The Municipal Manager.

b)Category B, which applies to employees who are in possession of a personal cell phone, whose duties require them to have access to a cell phone whilst they are away from office. These include The Municipal Manager, Senior Managers accountable to the Municipal Manager, appointed in terms of Municipal Systems Act, Act No. 32 of 2000, fixed terms contract employees appointed on a total cost to employer remuneration basis.

5.3 KEY ELEMENTS OF CATEGORY A

- I. The Accounting Officer/Municipal Manager of delegated official must enter into an agreement with a cell phone services provider on favourable terms for supply of cell phone services, in compliance with supply chain management policies and procedures of the municipality provided that:
- II. The Chief Financial Officer or his delegated relevant official in the Budget and Treasury Office verifies that funds are available for acquisition/purchase and costs associated with the use of cell phone services;
- III. The supply chain management unit may not process the requisition of a new or replacement cell phone unless the delegated has approved the request in accordance with requirements detailed in clauses 13 and 17(2);
- IV. The supply chain management unit must facilitate the procurement of cell phones, after consultation with the user of the cell phones;

- V. Contracts between the municipality and the cell phone services supplier may not exceed the standard twenty (24) month period; and
- VI. Payment of the cell phone services provider must be generated immediately upon receipt of the cell phone account and amount owing must be settled within thirty (30) days of receipt of Tax Invoice. This payment may be effected through debit order arrangement between the municipality and the services provider.

5.3.UTILIZATION OF MUNICIPALITY CELL PHONE

- I. While a cell phone acquired by the municipality in terms of Category A in this policy shall be for the use of the official identified in terms of this policy, it shall remain the asset of cell phone services provider until ownership transfers to the municipality or an asset of the municipality, which ever if applicable, until such ownership is transferred in writing.
- II. A register of all cell phones owned by the municipality must be maintained, and must contain information relating to the make of handset, serial number /IMEI number of the device/handset, SIM number and subscriber number associated with the handset/device, name and signature of the official to whom it is allocated, date of issue and return were relevant.
- III. On signing for receipt of the handset/device, the employee must ensure that all defects that are reasonably visible are noted in writing.
- IV. **Financial Limits of Category A**

- I. The authority to determine and/or introduce subscription limit to expenditure associated with the use of the cell phone is vested in the Municipal Manager or The Accounting Officer, who may, from time to time, amend the subscription limits as reflected in Annexure A.

5.4.RETURN/UPGRADE OF CATEGORY A CELL PHONE

- I. All cell phones which are acquired as part of the contract may be retained by the official to whom it has been issued, after the expiry of the contract period, subject to payment of nominal fee as stipulated under Annexure A.
- II. All cell phones that are purchased outside of the contract must be registered as assets of the municipality in the asset register as per asset management policy, and must be returned to the official responsible for safe keeping of the municipality cell phones upon allocation of any new cell phone.
- III. Where a municipality cell phone contract transferred to an official in their private capacity before end of its term, the transfer costs charged by the service provider will be paid by the municipality, provided that any migration costs associated with a reduction in the contract package is borne by the concerned official in such circumstances.

5.5.SAFEGUARDING OF CATEGORY A CELL PHONE

- I. The municipality shall take out an insurance cover for all cell phones acquired in terms of this policy. Premiums for such insurance shall always be paid if full and on time to ensure that the cover is always valid in cases where claims must be made for damage/lost/theft of such cell phones.

5.6.Damage/Loss/Theft of Category A Cell Phone

- I. Loss/Theft of a municipality cell phone must be reported to the official designated to manage Category A cell phone in the Budget and Treasury Office of the municipality. In case where the cell phone was purchased outside

of the service provider contract such loss must also be reported to the official in Budget & Treasury Office responsible for asset management.

- II. All damages/losses/thefts of Category A cell phones are to be processed in terms of the Asset Management Policy of the municipality.
- III. Any replacement of damaged/lost/stolen Category A cell phones will be done in accordance with Asset Management Policy, Supply Chain Management Policy and Procedures and this policy.

5.7.EXEMPTIONS

- I. Any employee that requires exemption from this policy must submit a memorandum of full motivation as contemplated in clause 6.10 of this policy to the Municipal Manager/Accounting Officer, without whose authority no deviations from this policy will be allowed.

5.8.MOTIVATION FOR MUNICIPALITY CELL PHONE

- I. The municipality may acquire municipality cell phones for essential services to be decided upon and approved by the Municipal Manager/Accounting Officer.
- II. A municipal cell phone may be issued to an employee contemplated in clause 6.2.1 (a)(vi), upon compliance with the following provisions:
 - a) The nature of the work and the need for a cell phone as a means of carrying out the daily activities is to be the determining factor;
 - b) Each application must be considered on its own merits, irrespective of the post level of the employee applying for exemption.
 - c) Each application must be fully motivated with proof to the effect that a cell phone is most economical and practical instrument of

communication; which will enhance the employee's work performance, and must contain:

- (i) The reasons for requesting for a municipality cell phone
- (ii) The responsibilities of the official
- (iii) Other means of communication considered and unsuitability thereof;
- (iv) The need for the relevant employee to be accessible at all times; and
- (v) The annual financial implications related to the purchase and maintenance of the cell phone.

5.9.ELEMENTS OF CATEGORY B

- I. The municipality will not procure any cell phones or enter into agreements with cell phone services provider for employees falling within this category, but will, subject to provisions of this policy, reimburse employees who qualify in terms of the criteria indicated in this policy, the full amount of all costs associated with the procurement and use of the personal cell phone for official municipality business.
- II. This category applies to the Municipal Manager, all Senior Managers reporting directly to the Municipal Manager employed in terms of section 56 of Municipal Systems Act, Act No.32 of 2000, and all Managers employed on fixed term contract on a total cost to employer basis, who:
 - a) have entered into a cell phone contract with the cell phone services providers;
 - b) have to use their personal cell phone for official municipal business;
 - c) have been granted approval by The Executive Mayor (in term of The Municipal Manager) or the Municipal Manager in terms of Senior

Managers reporting directly to him/her, employed in terms of section 56 of Municipal Systems Act, Act 32 of 2000 or managers employed in terms of a fixed term on a total cost to employer basis, to submit claims to the municipality in terms of this policy.

5.10.CLAIM PROCEDURE FOR CATEGORY B

- I. The municipality will reimburse who qualify as contemplated in clause 6.1.1 and 6.13 here above, for all fixed costs, including enterprise application services fee where applicable, and all official call charges, provided that:
 - a) The official will be responsible for payment of full amount of his/her invoice from service provider on a monthly basis;
 - b) The official must submit a claim to the designated official in Budget and Treasury Office on a *prescribed form*, together with
 - (i) invoice from the service provider;
 - (ii) copy of the letter of approval from The Executive Mayor or Accounting Officer, whichever is applicable.
 - c) Written approval for international roaming for voice and data contract must be obtained from either The Executive Mayor or Municipal Manager, whichever is applicable, prior to departure on an international trip;
 - d) The claim must:
 - i) As regards of the SMS, be approved by The Executive Mayor or Municipal Manager (whichever is applicable);
 - ii) Be forwarded to the Chief Financial Officer for capture on payroll system;

- e) The municipality will only pay a subscription amount equal to maximum of a business package as per table reflected in Annexure A or the package for which they are subscribed, whichever is lesser of the two, even if the official elect to opt for a higher package.
- f) The subscription fees will be subject to an annual review by the Accounting Officer in consultation with the Chief Financial Officer;
- g) An official will be reimbursed for all-inclusive actual costs in accordance with Annexure A, taking into account only the lesser of the actual cost or limit may be claimed.
- h) Claims in excess of the applicable limits contemplated in sub-clause (e) may, in exceptional cases, upon acceptable written motivation, be approved by The Executive Mayor or Accounting Officer, whichever is applicable.
- i) None of the qualifying officials may approve their own claims. The Executive Mayor will approve Municipal Manager's claims, and The Municipal Manager will approve claims of Senior Managers while Senior Managers will approve claims of Managers employed on fixed term contracts, attached to their units.

The Chief Financial Officer or a delegated official must ensure that all claims:

- a) comply with the requirement of this policy
- b) If submitted timeously as per cut-off schedule for submissions to payroll office, are paid in salary run that follows their submission, else next salary run;
- c) approved claims are paid to the concerned official together with the salary;

5.2. POOL CELL PHONES

The Municipality may procure pool cell phones for officials who are not normally required to possess a municipality cell phone as an official facility, provided that:

- a) Each Directorate may keep a maximum of two pool cell phones;
- b) It will be the responsibility of the relevant Senior Manager to ensure that there are adequate measures in place to safeguard the handset and the SIM card at all times;
- c) The relevant Senior Manager must ensure that:
 - (i) A pool cell phone is only booked out to an employee under the signature of the relevant employee;
 - (ii) the pool cell phone and SIM card are signed back for safe keeping when the employee returns;
 - (iii) The account for the pool cell phone is checked on a monthly basis and employees are not allowed personal use while on duty and may have to reimburse the municipality for any private use.
- d) The employee will be held responsible for cost of private calls and repair or replacement costs of a pool cell phone in the event that that said pool cell phone is damaged, lost, or stolen whilst in his/her possession, and as result of his/her negligence.

5.3. SAFEKEEPING OF CELL PHONES

- I. The cell phone user has the direct responsibility and custody of the assigned cell phone and ancillary equipment, including SIM and charger, and employees must ensure that phones are not unduly exposed to theft and wilful damage.
- II. All Category A cell phones will be insured by the municipality at no cost to the employees. The cost of insurance for all Category B shall be for the account of the officials qualifying for a cell phone in terms of Category B criteria, and municipality share bear no cost for such.

- III. All lost municipality cell phones must be reported to South African Police Services and the municipality within 24 hours of such loss.
- IV. Replacement of cell phones may only be facilitated by the approval of the Accounting Officer or his delegated official on recommendation of a loss control report regarding the circumstances of such losses for the prescribed municipal loss procedures to be followed.
- V. Cell phones will be replaced at a lower cost than the replace cell phone or amount equivalent to reimbursement from insurance claim, unless the request coincides with due date for upgrade of the cell phone to be replaced.

In case of applications for replacement cell phone for employees, as contemplated in clause 6.15.5 above, the application must clearly state:

- a) the name and job title and level of the applicant;
- b) the make and model of the phone to be replaced;
- c) the reason for the proposed replacement;
- d) if lost or stolen, the concerned employee must provide SAPS reference number.

Repairs and disposals must be treated in accordance with the municipality's supply chain management and asset management policies.

5.4. LIMITATION ON PACKAGES FOR WIRELESS DATA MODEMS

5.4.1 The following are the prescribed monthly data usage limits on data modem, set for different category of employees, unless stated otherwise on the approved requisition:

- a) 20GB for all officials on job levels between 5 to 14;
- b) 30GB for all officials on post level 4
- c) 40GB for all officials on post Level 3 to 0

- d) 50GB and above by special request approved by The Accounting Officer, in consultations with Chief Financial Officer or officials delegated by them.

5.4.1 The above packages are not restrictive, and any employee who needs to be on any limit other than the prescribed one must submit a motivation memorandum supported by their Senior Manager to The Accounting Officer of Chief Financial Officer or their delegated official for approval, provided that the following procedure for acquisition of data modem is adhered to:

- a) The supply chain management unit must facilitate the procurement of data modem upon receipt of approved request;
- b) Data contract between the municipality and the service provider may not exceed 24-month period;
- c) Payment to services must be processed immediately upon receipt of data line account; and
- d) Amount owing for such services must be paid within 30 days of receipt of Invoice

5.4.2 The use of SIM card for wireless data modems for voice calls or SMS text messages is prohibited, and cost of such shall be deemed personal use and employees shall be liable to settle costs of such voice calls and SMS text messages in full.

5.4.3 Safeguarding of wireless data modems and SIM cards shall be as per guidelines for municipality Category A cell phones, stipulated in section 6.7 of this policy.

5.5 TABLETS

5.5.1 In a view of minimizing printing stationary requirements, the municipality may procure tablets to replace paper stationery for meetings with high volume documents such as Council and Management Committee.

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

5.5.3 After confirmation of budget availability by the Chief Financial Officer, tablets will be procured for members of the Management Committee through a contract that includes an economic data bundle not exceeding twenty-four (24) months with a cell phone service provider.

5.5.4 Subject to budget availability, tablets will be procured for use of Council meetings on a pool tablet basis, similar to principles of Pool Cell Phone in paragraph 6.13, and in consideration of SALGA Circular on Determination of Upper Limits of Salaries, Allowances, and Benefits of Councillors.

5.6 POOL TABLETS

The Municipality may procure pool tablets for use by officials who are not normally required to possess a municipality tablet as an official facility, and Councillors provided that:

- a) A designated official will keep a record of all tablet procured;
- b) It will be the responsibility of the relevant designated official to ensure that there are adequate measures in place to safeguard the tablet and the SIM card thereof at all times;
- c) The relevant designated official must ensure that:
 - I. A pool tablet is only booked out to an employee or Councillor under the signature of the relevant employee or Councillor;
 - II. the pool tablet and SIM card are signed back for safe keeping when the employee returns or at the end of Council/Mayoral Committee meeting;

III. The account for the pool tablet is checked on a monthly basis and employees are not allowed personal use while on duty and may have to reimburse the municipality for any private use.

d. The employee or Councillor will be held responsible for cost of private calls and repair or replacement costs of a pool tablet in the event that that said pool tablet is damaged, lost, or stolen whilst in his/her possession, and as result of his/her negligence.

VI. REPEAL OF PREVIOUS POLICY

This policy supersedes all previous policies and replaces all other arrangements and measures with regard to the official use of cell phones and data modems by employees.

VII. DISPUTE RESOLUTION

Any dispute arising from this policy due to ambiguous wording or phrasing must be referred to the Local Labour Forum for adjudication. Resolutions from the Local Labour Forum must be incorporated into the policy.

VIII. REVIEW OF THE POLICY

This policy shall be reviewed annually or when a need arises.

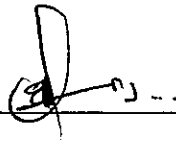
IX. STAKEHOLDER'S CONSULTATION

All Stakeholder's were consulted on the 22-25 April 2024.

X. ADOPTION BY COUNCIL

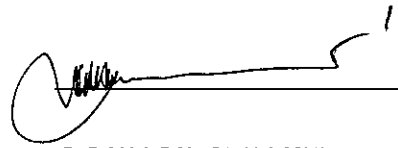
Resolution NO: SCD/16/2024	Adoptin Date: 16 May 2024
Effective Date: 01 July 2024	Review Date : ANNUALLY

XI. AUTHORITY



MUNICIPAL MANAGER

MR T.J MOGANO



COUNCIL SPEAKER

CLLR N.M MASWANGANYI

ANNEXURE A

CELLPHONE RATES AND PACKAGES

1. Category A Cell Phones

1.1. The following financial limits are set for category A cell phones:

- (a) Deputy Managers employed at job level 3 on permanent employment in terms of South African Local Government Bargaining Council Collective Agreement on Conditions of Service on will be limited to R1200 (One Thousand Two Hundred Rands)
- (b) All employers at job level 4 on permanent employment in terms of South African Local Government Bargaining Council Collective Agreement on Conditions of Service on will be limited to R1000 (One Thousand Rands)
- (c) All employers at job level 5 on permanent employment in terms of South African Local Government Bargaining Council Collective Agreement on Conditions of Service on will be limited to R800 (Eighth Hundred Rands)
- (d) All Water Services Satellite Offices managers on permanent employment in terms of South African Local Government Bargaining Council Collective

Agreement on Conditions of Service on will be limited to R1200 (One Thousand Two Hundred Rands)

(e) All Divisional Officers heading fire stations on permanent employment in terms of South African Local Government Bargaining Council Collective Agreement on Conditions of Service on will be limited to 800 (Eight Hundred Rands)

1.2. All Category A cell phones, which are acquired as part of the contract may be retained by the employee to which it has been issued, after the expiry of the contract period, subject to a nominal payment of R200 per cell phone.

2. Category B Cell Phones

2.1. The following financial limits for subscription fees are set for Category B cell phones:

(a) The employee will be reimbursed for all-inclusive actual costs of official use of private cell phone in accordance with the limits reflected below, taking into account that only the lesser of the actual cost or limit may be claimed, and that such limits may be reviewed on an annual basis or as and when required or need arises, taking into consideration the cost of increases and other relevant factors:

- (i) R2000.00 (Two Thousand Rands) of the all costs, including SMS messages and subscription, whichever is the lesser amount, in the case of The Accounting Officer/ Municipal Manager
- (ii) R2000.00 (Two Thousand Rands), or all costs, including SMS messages and subscription, whichever is the lesser amount, in case of Senior Managers reporting to The Municipal Manager, appointed in terms of Municipal Systems Act, Act No. 32 of 2000 section 56.

- (iii) R1,500.00 (One Thousand Five Hundred Rands), or all costs, including SMS messages and subscription, whichever is the lesser amount, in case of Managers reporting appointed in terms of Municipal Systems Act, Act No. 32 of 2000, section 57.

(b) The municipality will pay a subscription fee amount equal to the maximum of a business package as per table reflected hereunder, where the concerned employee elects to opt for a lower or higher package, which subscription rates will be subject to annual review by the accounting officer in consultations with the Chief Financial Officer, or as and when the need arises.

Position	Subscription	Package Examples
Municipal Manager	R2000	Vodacom Smart XL
		MTN MadeForBusiness XL
		Cell C Epic 1000
		Telkom SmartPlan 1000
Senior Managers (Including CFO)	R2000	Vodacom Smart XL
		MTN MadeForBusiness XL
		Cell C Epic 1000
		Telkom SmartPlan 1000
Managers	R1500	Vodacom Smart XL
		MTN MadeForBusiness XL
		Cell C Epic 750
		Telkom SmartPlan 750

2.2. Senior Managers, may, in extra ordinary circumstances, request increases of the limits for themselves and other qualifying officials under their directorates. This request shall be submitted to the Chief Financial Officer for recommendations before being processed by the Municipal Manager.