

2. INTRODUCTION

2. BACKGROUND

The Policy is intent on ensuring seamless implementation of the plan and should be regularly reviewed. The plan has 35 targets that need to be implemented before the expiry date which is the 30 June 2017 from designated groups. The Employment Equity report for 2012/2013 shows a dismal failure in respect of achievement of the set objectives or targets as set out in the Employment Equity Plan due to budgetary constraints. Another contributory factor was failure to attract qualified personnel from designated groups due to Job Evaluation process which is takes rather too long to finalize. Municipal positions are neither evaluated nor graded, salaries are not market related and that poses a challenge in so far as competing with other municipalities and institutions are concerned. Barriers to the advancement of designated groups, Employment Equity/Affirmative Action measures and preferable remedial measures required are identified on the policy.

3. ANNEXURES

Employment Equity Policy.

4. RECOMMENDATION

It is recommended that Council adopts the proposed Employment Equity Policy.

BLOUBERG LOCAL MUNICIPALITY EMPLOYMENT EQUITY POLICY

1. INTRODUCTION

Blouberg Local Municipality acknowledges the value that employees from diverse backgrounds bring and add value to the achievement of the company's goals and objectives, as such is fully committed to the objectives of the Employment Equity Act (Act No. 55 of 1998). The purpose of this policy is to clarify the mandate, roles and responsibilities of all stakeholders in the implementation of employment equity within the Municipality. To assist, guide and create awareness within Municipality in addressing the imbalances of the past through implementation of strategic human resources management interventions, such as recruitment and selection, human resources development and diversity management.

2. DEFINITIONS

2.1 Affirmative Action Measure Any action taken by the employer, including preferential treatment, to appoint and promote suitably qualified people from designated groups to ensure their equitable representation in all occupational categories and levels in the workforce

2.2 A Suitably Qualified Person A person who has the abilities, relevant formal qualifications, relevant experience or potential to acquire, within reasonable time, the skills and competencies necessary to perform a particular job

2.3 Black People A generic term, which means Africans, Coloureds and Indians

2.4 Designated Group(s) Black people, women and people with disabilities who are natural persons and are citizens of the Republic of South Africa by birth or descent; or Are citizens of the Republic of South Africa by naturalization before the commencement date (i.e. 27 April 1994) of the Constitution of the Republic of South Africa Act of 1993; or Became citizens of the Republic of South Africa from the commencement date of the Constitution of the Republic of South Africa Act of 1993, but who, not for apartheid policy that had been in place prior to that date, would have been entitled to acquire citizenship by naturalization prior to that date

2.5 Disadvantaged Group (s) Person (s) or a group of people disadvantaged by the past or present unfair discrimination EEA Employment Equity Act, 1998 (Act No. 55 of 1998)

2.6 Reasonable Accommodation Any modification or adjustment to a job or the eradication of physical or emotional barriers that may exist in the workplace in order to ensure that people from designated groups enjoy equal opportunities or participate or advance in employment and are equitably represented in the workplace

2.7 Employment Equity Forum A forum established to represent Blouberg Municipality in the implementation of its Employment Equity Plan

3. Scope of application

This policy is applicable to all Blouberg Municipal Employees, (prospective and current), as appropriate for the requirements of the Municipality. The implementation and enforcement of this policy is a key to our sustainability as Local Municipality closest to the people. All employment equity activities in Blouberg Local

Municipality will be planned and implemented in consultation with the relevant stakeholders and by ensuring transparency in everything we do. Employment Equity KPI will be attached to all Senior Manager Performance contract.

4. Objectives

To ensure that Blouberg Municipality creates equal opportunities for all its employees and prospective employees and to remove all barriers in order to:

- promote the constitutional right of equality and the exercise of true democracy;
- eliminate unfair discrimination in employment;
- ensure the implementation of employment equity to redress the effects of discrimination;
- achieve a diverse workforce throughout the Municipality;
- promote economic development and efficiency in the workforce".

To provide a framework for institutional guidelines to attract, develop and retain competent, efficient, committed and motivated employees.

5. Guiding principles

With reference to the abovementioned, the Municipality is continuously developing employment equity Plan (EEP) in compliance with the Employment Equity Act, which confirms the Municipality's adherence to the following guiding principles in this regard:

- The implementation of the plan within the policy prescriptions and planning framework for the Municipal system;
- The prohibition of unfair discrimination in the workplace;
- The implementation of positive measures with regard to persons from designated groups with a view to employment equity;
- The identification, development and utilisation of persons that will make a relevant contribution to the realisation of the vision and goals of the Municipality

The Municipality is committed to:

5.1 Elimination of Unfair Discrimination

This refers to removal of all forms of unfair discrimination (either direct or indirect) in conditions of service, employment practices and actions. This will result in a working environment in which opportunities, treatment and expectations are based on practices which do not relate to race, religion, gender, sexual orientation or any other unfair discriminatory ground. Fair discrimination shall occur only in relation to inherent job requirements and appointments made towards achieving the employment equity targets.

5.2 Equal Opportunities

This refers to an environment which is conducive to creating equal access to job opportunities, thereby enabling employees to develop their full potential according to operational requirements of municipality.

5.3 Valuing Diversity

This refers to the development of an organisational culture that encourages understanding and appreciation of diverse backgrounds of all employees. The objective is to develop a relationship of trust, co-operation and confidence amongst employees.

The above guiding principles will be implemented through the development and implementation of the Employment Equity Plan.

6. Policy

- 6.1 The Municipality commits itself to promote the provisions of the Employment Equity Act.
- 6.2 The Municipality rejects unfair discrimination, whether direct or indirect, on all listed grounds, including but not limited to race, sex, marital status, religion or creed, age, HIV status, culture, pregnancy, language, sexual orientation, colour, ethnic or social origin and disability.
- 6.3 The Municipality strives to have an employee profile that takes into account the national, regional and sectoral demographic compositions.
- 6.4 Selection and appointment processes must ensure that preference shall be given to candidates from the designated groups on grounds of merit as defined in the Act, in terms of the recruitment policy and as contained in the Employment Equity Plan.
- 6.5 The employment equity plan shall ensure adequate representation of the designated groups in the various occupational categories and levels.
- 6.6 No forced retrenchment shall take place for the sake of creating positions for employment equity candidates.

7. EMPLOYMENT EQUITY PLAN

7.1 Objectives of Employment Equity Plan

- 7.1.1 The main objective of the EE plan is to promote the representation of designated groups at all occupational levels, and within all job categories in Blouberg Local Municipality.
- 7.1.2 The EE plan will be implemented with the goal of eradicating all forms of discrimination, either direct or indirect, towards designated groups, and to remove any barriers on employment policies and practices affecting their advancement.
- 7.1.3 All human resources policies, procedures and practices within the Municipality will be reviewed, developed and maintained to support the principles of EE.

7.2 Development of Employment Equity Plan

- 7.2.1 Blouberg Municipality shall develop an employment equity plan reflecting and prescribing the numerical targets to be achieved as per the requirements of the Employment Equity Act.

7.3 Implementation of the Employment Equity Plan

- 7.3.1 In accordance with the requirements of the EEA, Municipality will establish Employment Equity Forum (EEF). The EEF shall facilitate the development of the employment equity plan, and also evaluate and monitor its implementation.
- 7.3.2 Municipality shall implement, monitor and report back to the Department of Labour on progress made annually in terms of its employment equity plan.

7.4 Communication, Participation and Transparency

7.4.1 The EE policy and plan shall be communicated to all employees of Blouberg Municipality through the Human Resources Division and the EEF.

7.4.2 The EE Plan and the affirmative action measures shall enjoy the involvement of all employees within Municipality through their participation in EEF.

7.5 Accountability

7.5.1 The Municipal Manager and the Senior Manager responsible for Employment Equity as appointed representatives hold final accountability for the successful implementation of this policy, plan and the strategies; the EEF will also assist with their implementation and monitoring.

8. ALIGNING HR PRACTICES TO EMPLOYMENT PLANS

All relevant human resources policies, procedures and practices must be aligned to:
Employment Equity Act

The affirmative action measures in the employment equity plan.

All EE related changes to human resources policies and procedures will be made in consultation with the relevant stakeholders and communicated to employees and managers.

All managers will be held accountable for compliance with the human resources policies and procedures.

8.1 Reasonable Accommodation

8.1.1 The Municipality will strive to eradicate both physical and emotional barriers pertaining to employment and advancement of the designated groups. These measures include providing an enabling environment for disabled employees and those with special needs within reasonable limits, so that they may participate fully, and by so doing improve productivity.

8.2 Diversity and Culture

8.2.1 Diversity management training will be provided to encourage all employees to treat each other with mutual respect and dignity, irrespective of race, gender, creed or disability. This will ensure that everybody function to their full potential, while reflecting the diversity of a South African society.

8.3 Recruitment, Selection and Placement

8.3.1 Recruitment, selection and placement policies will be geared towards achieving the numerical targets of the EE Plan and compliance with the requirements of the EEA. This will be achieved through:

8.3.1.1 Clearly defining skills, knowledge and the competencies required for all vacant positions to attract candidates with required potential to achieve acceptable standards of work within reasonable period of time

8.3.1.2 Advertising all vacant positions through advertising

8.3.1.3 Ensuring that job advertisements, both internal and external, shall not contain language that implies direct or indirect discrimination

8.3.1.4 Giving preference in employment to suitably qualified members of the designated group as defined in the EEA

8.3.1.5 Establishing interview panels which are sufficiently representatives of employees in terms of gender, race and job function in the workplace

8.3.1.6 Ensuring that selection panels are guided by the objectives of the EE Plan in targeting suitably qualified people from designated groups

- 8.3.1.7 Usage of only certified and accredited psychometric and psychological tests or similar assessments to test the suitability of prospective candidates for specific vacant posts
- 8.3.1.8 Observing EEA guidelines as well as EE Plan while effecting promotions and internal recruitment processes.

8.4 Training and Development

- 8.4.1 The following training guidelines shall be adhered to in promoting the achievement of EE in the workplace:
 - 8.4.1.1 Employees will be encouraged to undertake Adult Basic Education and Training (ABET) in order to complete their minimum school leaving qualifications
 - 8.4.1.2 Skills based training will be provided to allow employees an opportunity to qualify in work-related fields of expertise
 - 8.4.1.3 Employees identified through relevant talent management processes will be encouraged to participate in management development programmes or similar training interventions
 - 8.4.1.4 Accelerated training programmes will be provided to ensure that new employees reach acceptable work standards within a reasonable time
 - 8.4.1.5 Diversity specific training will be provided to all employees and members of the Management Team to ensure cultural tolerance in the workplace
 - 8.4.1.6 Bursary assistance, Internship, Coaching, Mentoring and other capacity building programmes will be provided by the Municipality to ensure that employees receive the opportunity to develop their careers
 - 8.4.1.7 All new employees will be exposed to the induction and orientation programmes within three months of joining Blouberg Municipality in order to learn about the Municipal's mission, vision and culture.

8.5 Performance Management

- 8.5.1 The Municipal's performance management policies and procedures will be structured to ensure that they promote career growth of all employees. In addition, they will ensure that:
 - 8.5.1.1 The performance reviews and evaluation processes do not discriminate against any employee
 - 8.5.1.2 Employee compensation and reward systems will be linked to performance, skills and the initiatives shown by an individual to develop their career

9. ROLES AND RESPONSIBILITIES

9.1 Municipal Manager

- 9.1.1 Accountable for employment equity implementation and compliance;
- 9.1.2 Appoint the senior manager responsible for employment equity in Blouberg Municipality;
- 9.1.3 Hold the senior manager accountable for implementation and compliance;
- 9.1.4 Hold the Municipal Unit Heads accountable for achieving their numerical goals, implementation of affirmative action measures and compliance;
- 9.1.5 Ratifies and sign annual progress report (EEA 2 and EEA 4) to the Department of Labour;

9.2 Senior Manager Responsible For Employment Equity

- 9.2.1 Custodian of diversity and employment equity strategy;
- 9.2.2 Takes responsibility for expertise and resources to implement employment equity effectively;
- 9.2.3 Review progress and benchmark to municipal standards and liaise with other senior managers, the Employment Equity Officer and the employment equity forum;
- 9.2.4 Act as a change agent to facilitate transformation in
- 9.2.5 Network with other institutions to follow the latest trends and legislative developments;

- 9.2.6 Accountable for the submission of the EE report to the Municipal Manager for sign-off;
- 9.2.7 Ensuring proper consultation with all stakeholders;
- 9.2.8 Appoint the employment equity Officer.

9.3 Human Resources Division

- 9.3.1 The Human Resources Division will provide management with the mandate required to implement the relevant Acts and regulations of South Africa.
- 9.3.2 Ensures legal compliance through submission of EE Reports and Plans to the Department of Labour as may be required from time to time
- 9.3.3 Provides leadership, demonstrates personal commitment and supports the employment equity policy, plan and programmes
- 9.3.4 Ensures that employment equity is integrated into the strategic, operational and service delivery plans and it forms part of management practices
- 9.3.5 Oversees setting of the objectives and numerical targets required to deliver the employment equity goals, whilst at the same time focusing on Municipal's strategic and operational responsibility.
- 9.3.5.1 Align human resources policies and procedures to:
 - Employment Equity related Codes of Good Practice;
 - Affirmative action measures as set out in Employment Equity Plans;
 - Numerical goals as set out in Employment Equity Plans;
- 9.3.5.2 Identify and eliminate unfair employment practices;
- 9.3.5.3 Advise management on:
 - Fair employment practices;
 - Implementation of affirmative action measures;
- 9.3.5.4 Monitor and report on compliance to human resources policies and procedures;
- 9.3.5.5 Implement change management procedures to ensure successful transformation;
- 9.3.5.6 Produce management information reports for all stakeholders to show progress with the implementation of employment equity in each Unit;
- 9.3.5.7 Facilitate employment equity implementation, i.e ensure that an EE forum is in place and stakeholders are trained;

9.4 Employment Equity Officer

- 9.4.1 Blouberg Municipality's expert in diversity and employment equity practices;
- 9.4.2 Benchmark Municipal's current policies and practices to the Codes of Good practice and legislation to make recommendations for remedial action to:
 - The Human Resources division;
 - Municipal departments;
 - EE forum.
- 9.4.3 Monitor Municipal's progress and benchmark to departmental standards. Liaise with Departmental Heads and employment equity forum to align employment equity plans and objectives;
- 9.4.5 Develop and implement an overall employment equity communication strategy and branding for Municipal;
- 9.4.6 Act as a change agent to facilitate transformation in all Departments;
- 9.4.8 Represent Municipal's interests to ensure compliance with relevant legislation;
- 9.4.7 Network with government bodies to follow latest trends and legislative developments in employment equity;
- 9.4.8 Ensure sufficient representation on the employment equity forums;
- 9.4.9 Project manages diversity or employment equity initiatives in the Municipality;
- 9.4.10 Act as the custodian of employment equity training in the Municipality;
- 9.4.11 Develop implementation guidelines for employment equity policy in all the departments;
- 9.4.12 Assist in the development, review and consolidation of employment equity plans;

- 9.4.13 Responsible for the preparation and submission of EE reports to the Senior Manager responsible for EE for ratification;
- 9.4.14 Monitor adherence to the achievement of numerical goals in the Group;
- 9.4.15 Manage the nomination of EE forum members in conjunction with departmental heads and employees.
- 9.4.16 Maintaining the EE forums to ensure that it meets the representation requirements of the Act;
- 9.4.17 Ensure effective consultation with all stakeholders;
- 9.4.18 Ensure full compliance with all legislative aspects with regards to employment equity;
- 9.4.19 Formalise the appointment and election of all employment equity forum members.

9.5 Other Senior Managers

- 9.5.1 Empower line management to incorporate affirmative action measures in their operational budgets;
- 9.5.2 Hold line managers accountable for employment equity planning, implementation and progress;
- 9.5.3 Nominate a management representative for the EE forum;
- 9.5.4 Accountable to the Municipal Manager for compliance and progress;
- 9.5.5 Provide regular feedback to employees about EE related matters;
- 9.5.6 Approve the business unit employment equity plan;
- 9.5.7 Consult with the EE manager on best practice.
- 9.5.8 Incorporate affirmative action measures in their operational budgets;
- 9.5.9 Are responsible for employment equity planning, implementation and progress for their departments;
- 9.5.10 Apply employment equity principles in all human resources management practices;
- 9.5.11 Implement measures to create an enabling environment for the successful implementation of employment equity, including diversity management, awareness, culture change, regular consultation and retention of staff, providing time-off for EE forum representatives to attend meetings and other activities;
- 9.5.12 Accountable to the Business Unit Head for EE progress within their own Department;
- 9.5.13 Provide regular feedback to employees about EE related matters.
- 9.5.14 Implement employment equity objectives and numerical targets within their departments, bearing in mind how these relate to the strategic and operational objectives of Municipality as a whole
- 9.5.15 Earmark vacant posts for prospective candidates within a designated group and ensure that such posts are filled accordingly;
- 9.5.16 Recruit and train members of the designated and non-designated groups and oversee their career development
- 9.5.17 Create a working environment, which is conducive to addressing the needs of designated and non-designated groups of employees within their divisions.

9.5 Employees

- 9.5.1 Understand employment equity principles;
- 9.5.2 Report unfair discrimination or any other form on non-compliance to the employment equity forum or line manager;
- 9.5.3 Attend training, awareness sessions or read shows when required to do so;
- 9.5.4 Nominate fellow employees for representation in the employment equity forum;
- 9.5.5 Encouraged to participate in the employment equity forum, if nominated;
- 9.5.6 Participate in EE interventions, such as surveys and focus groups;
- 9.5.7 Live the values of employment equity.
- 9.5.8 Make full use of the opportunities for training and career development
- 9.5.9 Be proactive in communicating their priorities and concerns regarding employment equity programmes to their line managers and be open and positive about their values by helping others to understand them
- 9.5.10 Contribute constructively and actively towards achieving Municipal's strategic goals and objectives
- 9.5.11 Monitor the implementation of Employment Equity Plan through their representation in the EEF.

9.6 EMPLOYMENT EQUITY FORUM

- 9.6.1 Monitor overall progress with the implementation of employment equity plans and;
- 9.6.2 Evaluate the employment equity plans and numerical goals for the departments as well as the consolidation for the groups;
- 9.6.3 Consulted by the Municipal Manager on EE related matters relating to:
 - Policy changes;
 - Employment equity strategy;
 - Affirmative action measures;
 - Numerical goals;
 - Rate of EE progress;
 - Human resources practices;
 - Consultation structures;
 - Municipal's annual report (EEA 2) to the Department of Labour;
- 9.6.4 Represent the interests of the employees in all group level;
- 9.6.5 Provide feedback to and from groups /employment equity forum
- 9.6.6 Co-ordinate the activities and agendas of employment equity forums.
- 9.6.7 Facilitate the resolution of employee's EE related grievances.
- 9.6.8 Facilitate communication between those individuals responsible for driving EE programmes and the employees from the designated and non-designated groups within their departments
- 9.6.9 Monitor that Municipality, as an employer, adheres to the requirements of the EEA
- 9.6.10 Participate in conducting an analysis of Municipal's workforce composition on a continuous basis
- 9.6.11 Participate in the implementation of Municipal's Employment Plan and address any other relevant matters pertaining to employment equity issues in a proactive manner according to the company's needs.

9.6 Governance Structure

- 9.6.1 The Council's responsibility includes:
 - To hold the Municipal Manager accountable for employment equity compliance and implementation;
 - To monitor overall employment equity and transformation progress;
 - To approve the employment equity policy and plan.

10. STAKE HOLDER

The following stakeholder was identified as role player in the implementation of employment equity in Blouberg Local Municipality:

10.1 DOL – DEPARTMENT OF LABOUR

The DOL is the entrusted Government Department to ensure that Municipalities have full and strict adherence to the Employment Equity Act. The DOL is responsible for:

- Setting of overall legislation, policy, direction and guidelines;
- Compliance monitoring – inspections and reviews;
- Monitoring progress (Annual EEA 2 and EEA 4 reports);
- Enforcement – fines, 'name and shame', compliance orders;
- Hold the Municipal Manager accountable for employment equity compliance in Blouberg Municipality.

11. ACCOUNTABILITY

- 11.1 Failure to implement Blouberg Municipal's employment equity policy, plan and numerical goals, will result in the Municipal Manager calling the Senior Managers to account and request that a redress strategy be put into place with specific deliverables and within specified time frames.
- 11.2 Violations (including the transgression of any EE related human resources policy or procedure or practising unfair discrimination) of this policy by any employee or manager constitutes unacceptable behaviour in terms of disciplinary code.
- 11.3 These violations are subject to appropriate corrective or disciplinary action.
- 11.4 The disciplinary code makes provision for this type of offence.

12 COMPLIANCE

- 12.1 In all cases where Department of Labour inspections or Director-General reviews are conducted within the Municipality, the Employment Equity Officer must be notified by the relevant Department. The Employment Equity Officer will attend all such
- 12.2 Inspections reviews in person or in case when he/she is unable to attend, he/she will designate a representative to attend.
- 12.3 On completion of the inspection or review, the Employment Equity Officer will report back to the Group Employment Equity Forum, the Senior Manager responsible for Employment Equity and the relevant Unit Head on the outcome of the compliance review.
- 12.4 Should the Department of Labour declare non-compliance, the Employment Equity Officer will draw up a remedial plan to be signed-off by the Municipal Manager.
- 12.5 All cases of non-compliance will be reported to the Municipal Manager, Corporate Portfolio Committee, EXCO, Council, EE Forum, Senior Manager responsible for EE and Legal Unit.
- 12.6 Should the remedial plan and/or implementation thereof be deemed not acceptable to the Department of Labour, resulting in further escalation (Labour Court Order), the relevant Departmental Head will be held accountable in terms of the Accountability section of this Employment Equity policy.

13 MONITORING

13.1 Implementation:

- 13.1.1 This policy shall be implemented by all stakeholders in Blouberg Municipality
- 13.1.2 All Departments shall develop employment equity plans, which will include employment equity barriers, affirmative action measures, numerical goals and a supporting human resources plan in line with this policy and the employment equity vision.
- 13.1.3 The employment equity Officer will provide the relevant guidelines, methodologies, templates and systems to implement.
- 13.1.4 The implementation of this policy shall form part of the performance measures of all managers.
- 13.1.5 The specific guidelines and measurement methodology will be provided by the employment equity Officer.

13.2 Monitoring:

- 13.2.1 The Employment Equity Forum shall monitor the application of the employment equity policy;
- 13.2.2 The Employment Equity Forum shall obtain quarterly reports on the progress made with the implementation of affirmative action measures and numerical goals from the Employment Equity Officer/Co-ordinator.
- 13.2.3 Senior Managers are required to submit quarterly reports on progress in achieving their numerical goals and affirmative action
- 13.2.4 The EEF shall monitor the achievement of numerical goals and objectives as reflected in the EE Plan regularly and continuously.
- 13.2.5 They shall report annually on progress within their departments on the achievement of numerical targets and objectives measures to the Municipal Manager;
- 13.2.6 The Senior Manager responsible for Employment Equity provides quarterly Progress reports.

- 13.2.7 The Group Employment Equity Forum shall receive quarterly reports from the Employment Equity Officer on the progress made with the implementation of the affirmative action measures and achievement of numerical goals.

14. Reporting to the Department of Labour:

- 14.1 The Employment Equity Officer will produce an annual timetable and project plan for reporting to the Department of Labour.
- 14.2 All Departments and other relevant stakeholders will abide by this timetable to ensure compliance.
- 14.3 Human Resources Unit will be responsible for the preparation and completion of the annual Department of Labour reports (EEA2 and EEA4), as per Employment Equity Regulations.
- 14.4 Each department will consult with the relevant Employment Equity representative on the contents of the EEA2 report.
- 14.5 The Senior Manager will ratify and sign off the final report and submit to Employment Equity Officer for consolidation of the Group EEA2 report.
- 14.6 The Employment Equity Officer will provide a consolidated Group Employment Equity Report (EEA2) and Income Differential Report (EEA4).
- 14.7 The Employment Equity Officer will also consult with the Group Employment Equity Forum before submitting the reports for ratification to the Senior Manager responsible for Employment Equity and signature by the Municipal Manager.
- 14.8 Once evaluated, the annual employment equity report of will be submitted to the Department of Labour by the date set by the Department of Labour.

15. GRIEVANCES AND / OR DISPUTE PROCEDURES

Any grievances and or disputes emanating from the implementation or interpretation of the employment equity policy within Municipality must be dealt with in terms of the Municipality's Grievance and Conflict Resolution procedures.

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