

# BERGRIVIER MUNICIPALITY



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<b>DIRECTORATE:</b>	Corporate Services
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## 1. INTRODUCTION

To provide for a comprehensive policy which accommodates the need for staff provisioning in the most efficient, professional and cost-effective way and is compliant with the *Employment Equity Act, Act 55 of 1998* and *Code of Good Practice on the Integration of Employment Equity into HR Policies and Practices (GN 1385 of 2005)*.

The right to appoint staff to a municipality is an original legal competence of the Municipal Manager of that Municipality in terms of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) section 55(1)(e) which reads:

*“As head of administration the municipal manager of a municipality is, subject to the policy directions of the municipal council, responsible and accountable for-*

*(e) the appointment of staff other than those referred to in [section 56 \(a\)](#), subject to the Employment Equity Act, 1998 (Act 55 of 1998);”*

## 2. DEFINITIONS

2.1. In this policy, unless the context indicates otherwise-

**"accidental/ unwanted application"**

an application for a job at the municipality without the applicant referring to a specific advertised vacancy, whether there are any vacancies or not, (casual / unsolicited application)

**"appointment"**

the designation of a work-seeker to a specific position on a permanent or temporary establishment from a fixed date for a limited / fixed or indefinite period on a full-or part-time basis to hold;

<b>"preferred candidate"</b>	means a job seeker who is selected for the testing procedures and/or to participate in the selection process and who at the end of the selection process is selected for appointment;
<b>"demotion"</b>	the permanent removal of an employee in a position to permanent employment to a position with lesser responsibilities and / or less complex duties in a lower job level and salary in the same or another department;
<b>"disability"</b>	means any long term or recurring physical or mental impairment that the limits the prospects of a person in a position appointed or promoted to materially restrict, obstruct or hinder;
<b>"employee"</b>	means a person who works for or renders a service to the municipality, regardless of the shape of his / her employment contract and to which any factor listed in section 200A (1) of the Labour Relations Act applies.
<b>"establishment"</b>	means the permanent and temporary establishments of the Municipality
<b>"Human resource planning"</b>	activity aimed at ensuring that the Municipality is having the optimal number of employees of the required quality at the required time at the designated disposal site.
<b>"human resources supply"</b>	the range of activities undertaken to ensure that the Municipality continuously employs an optimal number of employees of the required quality so that the Municipality's objectives are effectively and efficiently achieved.

<b>"Labour Relations Act"</b>	means the Labour Relations Act ,1995 (Act No. 66 of 1995); (Labour Relations Act)
<b>"medical examination"</b>	means any test, question, inquiry or other effort of the Municipality to determine whether an employee, job seeker or candidate is suffering from any medical condition;
<b>"Municipal Systems Act"</b>	means the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000)
<b>"Municipality"</b>	Means the Bergrivier Municipality, a municipality established in terms of section 12 of the Municipal Structures Act, 1998 (Act 117 of 1998), as amended;
<b>"permanent establishment"</b>	all positions in the administration that has been created for the normal and routine activities of the Municipality for which employees are normally permanently appointed or for a predetermined fixed term
<b>"quality"</b>	in relation to a job seeker and an employer, the combination of knowledge, skills, experience and other qualities that a person needed to perform the duties of a particular job done efficiently,
<b>"recruitment"</b>	activity aimed at attracting the greatest possible number of suitable job seekers and to encourage them to apply for a vacancy advertised;
<b>"relocation"</b>	the spatial shift of an employee's normal place of work to another site elsewhere in the Municipality; (relocation).

<b>"section 79 Committee"</b>	a committee of the Council under section 79 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) introduced to assist the Mayoral Committee;
<b>"shortlisting"</b>	selecting a job seeker based on the available information to participate in the selection process for appointment to a specific position;
<b>"suitably qualified"</b>	with respect to an employee, job seeker or candidate, means the same as specified in Section 20(3) of the Employment Equity Act, 1998 (Act 55 of 1998);
<b>"temporary establishment"</b>	all vacancies from time to time in addition to the permanent establishment that is created in the administration to meet the municipality's temporary and extraordinary needs for additional staff.
<b>"trade union"</b>	means a union which is party to the "South African Local Government Bargaining Council".
<b>"transfer"</b>	the permanent lateral / horizontal movement of an employee from one position to another post on the same job level and salary in the same or a different department;

### **3. OBJECTIVES**

- 3.1. To give effect to the original competence of the Municipal Manager in terms of section 55 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000)
- 3.2. To recruit, appoint and retain suitably qualified candidates to form a demographically balanced workforce, with the intention of providing effective service delivery to the community.

- 3.3. To attract, obtain and retain people with the required competencies (knowledge, skills and attributes) within the organisation to ensure that a continuous supply of high calibre employees is available to meet the Municipality's immediate and future human resource needs; and to establish a positive image of the Municipality and positioning it as the employer of choice within the development sector.
- 3.4. To ensure that no unfair discrimination practices exist in the provisioning processes of the Council.
- 3.5. To ensure that this policy contributes to the strategic goals of the Municipality.
- 3.6. To ensure personnel provisioning accommodates a comprehensive process, which is a result of an agreement reached between all stakeholders concerned.
- 3.7. To introduce fair and objective principles and procedures for the staffing of the Employer.
- 3.8. To establish principles and procedures ensuring that the Employer complies with legislative principles in respect of employment equity and affirmative action.

#### **4. FOUNDATIONAL PRINCIPLES**

- 4.1. As an organisation we are committed to recruitment, selection and appointment processes that are in accordance with the following principles:
  - 4.1.1. The Recruitment and Selection Policy and its implementation will be fundamentally aimed at matching the human resources to the strategic and operational needs of the organisation and ensuring the full utilization and continued development of these employees.
  - 4.1.2. All aspects of the staffing, structuring, recruitment, selection, interviewing and appointment of employees will be non-discriminatory and will afford applicants equal opportunity to compete for vacant positions, as provided in this policy with reference to affirmative action and employment equity.

- 4.1.3. The Municipality will adhere to the relevant employment laws e.g. Basic Conditions of Employment Act, Employment Equity Act, Labour Relations Acts, National Qualifications Framework, Local Government: Municipal Systems Act and the Skill development Act.
- 4.1.4. Fairness, transparency and openness through developing job descriptions linked to competency statements. This ensures that applicants have the opportunity to apply for posts based on either qualification or equivalents.
- 4.1.5. Transparency in terms of information: internal candidates are informed of all posts that become available, and are given an opportunity to apply for these posts so as to support their career development. This is done in a manner that takes into account the Workplace Skills Plan and the Employment Equity Plan of the organisation.
- 4.1.6. Fairness in terms of equity. Our position against unfair discrimination is specifically included in all our HR policies. We define unfair discrimination as the “exclusion of any candidates based on race, gender, sex, ethnic or social origin, colour, age, disability, religion, conscience, belief, political opinion, culture, language, marital status or family responsibility”.
- 4.1.7. Promotion of equity within the organisation with regard to gender, previously disadvantaged individuals and people with disabilities. This ensures that as part of the recruitment, selection and appointment processes the organisation promotes redress and access.
- 4.1.8. No medical testing shall be done unless it is an inherent requirement of the job and Psychometric testing approved by Council may only be used if it is valid, reliable, fair and applicable and has been standardised to the South African situation.
- 4.1.9. Consultation with the unions will take place on a continuous basis and will mean the following in respect of recruitment, selection and appointment:

4.1.9.1. Attendance of shortlisting meetings (one person per union) as observers

4.1.9.2. Attendance of interviews (one person per union) as observers

## **5. RECRUITMENT**

### **Determining recruitment needs**

5.1. The head of a department determines the need to recruit candidates for employment in her/his department with due regard for the numerical goals stated in the Municipality's employment equity plan.

5.2. When a position in the establishment becomes vacant, or is due to become vacant the director concerned must submit an application via the Director Corporate Services to the Municipal Manager stating the reasons why the position should be filled.

5.3. No position may be filled unless and until –

5.3.1. the approval of the Municipal Manager had been granted; and

5.3.2. adequate provision has been made in the budget for that appointment.

### **Advertising of vacancies**

5.4. The Director Corporate Services must, not later than the 25th of each month circulate a list of vacancies amongst directors. Each director must indicate whether any such vacancies that may exist in her/his department must be filled or not. If a vacant position must be filled in the opinion of the director concerned, she/he must submit an application, via the Director Corporate Services, to the Municipal Manager in terms of paragraph 5.2

5.5. Once a head of a directorate has obtained the approval of the Municipal Manager to fill a vacant position in her/his directorate, she/he must submit a labour requisition

to the Director Corporate Services to advertise the post.

- 5.6. A completed labour requisition must reach the Director Corporate Services before or on the third working day of each month.
- 5.7. Vacancies must be advertised internally and may at the same time be advertised externally, provided that external advertisements may only be published in a newspaper of record in terms of section 21(1) of the Municipal Systems Act, as follows-

Nature of post	Advertising medium
Post Level T1 – T4	Internally and Database
Post Level T5 – T8	Internally and local newspapers and Libraries
Post Level T9 – T16	Internally, provincial and local newspapers and the municipal website
Post Level T17 – T25	National Newspapers
Municipal Manager and managers directly accountable to the Municipal Manager	National Newspapers

- 5.8. The Municipal Manager may, after consultation with the Director Corporate Services and Director Financial Services, appoint a professional recruitment firm to compile an advertisement and publish it in respect of senior management and professional occupations in terms of the Municipality's supply chain management policy.
- 5.9. An advertisement of a vacancy must state-
  - 5.9.1. The name and location of the Municipality.
  - 5.9.2. A statement that the Municipality subscribes to the principles of employment equity.

- 5.9.3. The designation of the position that is advertised.
- 5.9.4. The minimum requirements in terms of skills, expertise and other qualities for appointment.
- 5.9.5. A summary of the key performance areas/primary duties of the position.
- 5.9.6. A statement that the appointment will be permanent or for a fixed term, and the term (if applicable).
- 5.9.7. In the case of the Municipal Manager and a manager directly accountable to the Municipal Manager, a statement that the continued employment of the successful candidate will be subject to the annual conclusion of a performance agreement with the Municipality.
- 5.9.8. The name and contact details of the person to whom enquiries may be directed.
- 5.9.9. A statement that canvassing will disqualify any candidate from being considered for appointment.
- 5.9.10. An indication of the remuneration offered.
- 5.9.11. The format and content of applications.
- 5.9.12. The address where, and person to whom, applications must be delivered.
- 5.9.13. The closing date for the submission of applications.
- 5.9.14. A statement that applications received after the closing date will not be accepted or considered.
- 5.9.15. A statement that if an applicant does not hear from the municipality within 30 days his/her application was unsuccessful.

5.9.16. A statement that email and faxed applications will not be considered.

5.9.17. A statement that applicants must consent that the municipality may enquire into the applicant's criminal record.

### **Casual applications**

5.10. Casual applications received during the course of the Municipality's operations must be returned forthwith to the applicant stating that the Municipality did not have any vacancies at the time when the application was submitted and that should any vacancy arise, the Municipality would advertise such vacancy.

5.11. Nobody may promise or undertake to accept a casual application for appointment and to submit it when a vacancy is advertised.

## **6. SELECTION**

6.1. A candidate for appointment to the Municipality's service must undergo the Municipality's selection procedures.

6.2. The purpose of selection is to identify the most suitable candidates from all the persons who applied and to eliminate unsuitable candidates in the fairest way possible.

6.3. The Municipality relies on interviews and one or more relevant psychometric, physical and proficiency tests as selection techniques. These techniques are applied to make decisions regarding appointments, promotions, and transfers. Depending on the nature of a post to be filled, psychometric and physical tests are also applied to serve as screening tests.

6.4. The Municipal Manager and/or the Mayoral Committee may appoint, subject to the supply chain management policy external service providers to assist with selection.

6.5. Medical testing of an employee or a candidate for employment is prohibited, unless-

- 6.5.1. legislation permits or requires the testing; or
  - 6.5.2. it is justifiable in the light of medical facts, employment conditions, social policy, the fair distribution of employee benefits or the inherent requirements of a job.
- 6.6. Testing of an employee or an applicant for employment to determine that employee or applicant's HIV status is prohibited unless the Labour Court in terms of section 50(4) of the Employment Equity Act determines such testing justifiable.
- 6.7. Psychometric testing and other similar assessments of an employee or a candidate for employment are prohibited unless the test or assessment being used-
- 6.7.1. has been scientifically shown to be valid and reliable;
  - 6.7.2. can be applied fairly to employees; and
  - 6.7.3. is not biased against any employee or group.

### **Compiling of master lists**

- 6.8. After the closing date of an advertisement all the applications received for every specific position are captured in Part A or Part B of the master list compiled by the Director Corporate Services. The master list must contain, in table format, the following particulars in respect of each candidate:
- 6.8.1. the applicant's surname followed by her/his initials
  - 6.8.2. the applicant's sex;
  - 6.8.3. the applicant's race;
  - 6.8.4. the applicant's qualifications and experience relevant to the job description and job specification; and

- 6.8.5. if applicable, the nature of the applicant's disability
- 6.9. Part A of the master list contains the particulars determined in paragraph (a) in respect of every candidate that complies with the minimum requirements in terms of skills, expertise and other qualities for appointment determined in the advertisement calling for applications. Part B of the master list contains the particulars determined in paragraph (a) in respect of every candidate that does not comply with the minimum requirements in terms of skills, expertise, and other qualities for appointment determined in the advertisement calling for applications.
- 6.10. The Director Corporate Services must submit the master list, together with the applications to the relevant director or, in the case of the appointment of a Municipal Manager or a manager directly accountable to the Municipal Manager, to the Mayoral Committee.
- 6.11. The Director Corporate Services must, during the compilation of the master list, take all reasonable steps and actions to establish the validity and accuracy of any certificates, diplomas and other information supplied by an applicant. If any candidate submitted or claimed that she/he had some or other certificate or diploma, qualification or experience that is disproved, such information must be noted next to the name of the candidate in the master list.

### **Compiling short lists**

- 6.12. The director concerned or the Mayoral Committee (Section 56 employees), as the case may be, must together with the selection committee select from the master list, with due regard for the numerical goals set in the Municipality's employment equity plan not more than 10 applicants who in her/his opinion would be the most suitable candidates to be subjected to the selection process. The director concerned is responsible to ensure compliance with Employment Equity.
- 6.13. Short listing must be done in accordance with the following order of preference –
- 6.13.1. Internal applicants

6.13.2. Local applicants

6.13.3. Provincial applicants

6.13.4. National applicants

6.14. The relevant director or the Mayoral Committee, as the case may be, must submit the particulars of the short listed candidates to the Director Corporate Services.

6.15. The Director Corporate Services must notify every candidate whose name has been short listed in terms of paragraph 7.12 of the venue, date and time and nature of the selection proceedings she/he must attend using the most reliable communications methods available.

#### **Conducting of screening tests**

6.16. Applicants for appointment must undergo any reasonable screening tests required by the Municipality.

6.17. Applicants must indemnify the Municipality in writing against any claims for damage, injury or illness due to any physical tests that they may be subjected to.

6.18. Applicants take part in all tests at their own responsibility.

6.19. The results of any screening test are confidential.

#### **Interviewing in respect of vacancies**

6.20. Except for appointments that must be made by the Council, the Director Corporate Services or his designated representative, the director concerned and not more than one other senior employee from the relevant department must conduct interviews for all positions.

6.21. The Municipal Manager or his/her designated representative may attend and may participate in any interview for appointment of any employee.

- 6.22. The Municipal Manager or the director concerned as the case may be must allow each of the trade unions to designate a representative to attend and observe any interview.
- 6.23. The selection committee will consist of a person from Human Resources, the Director concerned or Head of Department as designated by the relevant Director as well as the Portfolio Chairperson as well as another Director or Head of Department as the case may be to assist with compliance with Employment Equity requirements.
- 6.24. The director concerned, or if the interview concerns the appointment of a Municipal Manager or a manager directly accountable to the Municipal Manager, the Mayoral Committee, must draw up a list of questions relating directly to the job concerned, to be asked during the interview and provide such questions and score sheets to all persons who would be involved in the interview immediately before the interview commences.
- 6.25. The questions for the interview must also be supported with model answers that are required from candidates.
- 6.26. The following information/documentation must be provided to the selection panel (including observers):
  - 6.26.1. Date, time and place of the interview
  - 6.26.2. Copy of the advert
  - 6.26.3. Long list
  - 6.26.4. Short list
  - 6.26.5. Copies of the CV's of the candidates on the short list
- 6.27. Completed score sheets must be kept in safe storage for a period of at least twelve months after an appointment decision has been made.

- 6.28. All interviews must be recorded by a mechanical device to ensure the following:
- 6.29. Protection of the employer against allegations of unfair discrimination; and
- 6.30. Recordkeeping for purposes of disputes.

### Scoring Guidelines

- 6.31. The following is a guideline for the scoring of candidates during the interview. The selection panel may deviate from this guideline provided that the method used will still ensure consistency.
- 6.32. The following scoring may be used:

Rating	Definition
0	Unacceptable
1	Poor
2	Below Standard
2.5	Potential
3	Competent
3.5	Good
4	Above Average
5	Excellent

- 6.33. In the event that no candidate achieves a competent rating the panel may consider applicants that are considered suitable qualified for the post.
- 6.34. If no candidate achieves a rating of “**2.5**” or more the post will be re-advertised and the process in paragraph 6 must be repeated.
- 6.35. The scoring of the following members of the selection panel will be used to calculate the final score for recommendation to the Municipal Manager:
  - 6.35.1. The director concerned or his/her representative;

6.35.2. The Director Corporate Services or the Manager Human Resources;

6.35.3. The Portfolio Chairperson; and

6.35.4. One other senior employee from the relevant department (or his/her representative) having the vacancy.

Other members from Human Resources should attend interviews for support and administrative purposes, but will not have the right to score. If the two positions in 6.35.2 could not be present at the interview, then no scoring is done by the Human Resources Department.

Should the vacancy exist in the Human Resources Department, then the other senior employee mentioned in 6.35.4 above will be from another Directorate.

6.36. After completion of the interview the attendee's and observers must indicate on the prescribed form whether they were satisfied with the procedures followed. If any attendee or observer is unsatisfied with the process he/she must provide reasons.

6.37. The candidate with the highest score will be recommended to the Municipal Manager for consideration of appointment. (If the selection committee

### **Conducting proficiency tests**

6.38. One or more relevant proficiency tests (e.g. typing tests, operating a grader etc.) may be required to be conducted before or after an interview is conducted. A proficiency test may only be required if the outcome thereof is relevant to the expected job standards that would be expected of the employee and it relates to the job description.

## **7. REFERENCE CHECKS**

### **External Candidates**

7.1. All external applicants interviewed for a position at the municipality will be asked

to provide written authorization for the Municipality to obtain reference information from current and former employers.

- 7.2. Managers are responsible for obtaining references on potential employees.
- 7.3. Whenever possible, a minimum of two to three verbal references from current and/or former employers should be obtained for any candidate to whom a manager would consider making a job offer. If the candidate has listed less than two reference sources he/she should be asked to provide names of individuals with whom he/she has been involved in a volunteer capacity, with community groups, etc. References may include immediate superiors, peers and subordinates. References from those to whom a candidate reported, are preferred.
- 7.4. All candidates interviewed will be reminded during the interview process that references may be checked. If the chosen candidate's reference is a current employer, the candidate will be contacted prior to the reference being called so that he/she can inform the referee.
- 7.5. Reference information collected from outside sources will be maintained in Human Resources for the entire period of the individual's employment, along with other information from the selection process.
- 7.6. References given to outside companies on current/former employees must be documented and maintained by Human Resources. Records of references for terminated employees should be forwarded to Human Resources where they will be maintained in the employee file. All reference information, given or received, is considered to be confidential.

### **Internal Candidates**

- 7.7. On commencing employment or on applying for an internal position with the municipality, the employee will be advised that if they are being considered for an internal position, internal references, their personnel file, including documented performance appraisals, documented disciplinary action, and attendance records shall be made available to the hiring supervisor, and will form part of the hiring

decision for the new position.

- 7.8. Information on an internal candidate's previous performance shall normally be required following completion of an internal job application. The hiring manager may access the Human Resources file of the new staff member to review previous performance appraisals on file and other information as listed above.
- 7.9. The hiring manager will obtain internal references. These checks will be directly related to the competency requirements of the position into which the candidate will be hired and the results of the check will be incorporated into the interview and evaluation process.
- 7.10. Managers and other employees may respond to the line manager's requests for internal references in respect of the criteria developed by the selection panel and only to the extent that their comments are supported by documented information in the Human Resources files. Unsupportable commentary may not be considered or used in the selection process.

#### **Guidelines for Releasing Employment References**

- 7.11. The municipality releases employment references on current employees to prospective employers only with permission of the individual involved.
- 7.12. References are released without malice and in confidence to potential employers.

#### **Procedures**

- 7.13. Managers are responsible for providing reference information to external sources. Human Resources may assist managers. Managers and Human Resources staff may respond to requests for references only to the extent that their comments are supported by documented information in the Human Resources files. Unsupportable commentary may not be provided.
- 7.14. Should no documented information be available in the Human Resources file, only dates of employment and position title(s) may be provided.

- 7.15. If a reference request is received from an external organization regarding a current employee, the manager or Human Resources representative will contact the employee and request permission to release reference information. A Release of Reference Information form will be completed by the employee and maintained on file in Human Resources.
- 7.16. All reference information given to external sources must be documented and maintained in the Human Resources file of the terminated employee or by the manager for current staff.

## **8. APPOINTMENT**

- 8.1. The appointment of an applicant may take place only in accordance with the requirements of the post concerned and the merit of the applicant.
- 8.2. The Council, Municipal Manager or the relevant director, as the case may be, may waive or reduce the formal qualifications and experiential requirements in respect of any post, (except a post in relation to which a professional certificate is required), after consultation with the Local Labour Forum if the applicant is deemed to be suitably qualified for the job concerned as a result of any one of, or any combination of that person's –
  - 8.2.1. formal qualifications;
  - 8.2.2. prior learning;
  - 8.2.3. relevant experience; or
  - 8.2.4. capacity to acquire, within a reasonable time, the ability to do the job.

### **Appointment for a fixed term**

- 8.3. A person appointed as –
  - 8.3.1. Municipal Manager,

- 8.3.2. personal assistant, policy advisor, bodyguard or driver to any political office-bearer or other councillor of the Municipality, may be appointed to that position only -
  - 8.3.2.1. in terms of a written employment contract with the Municipality; and
  - 8.3.2.2. subject to a separate performance agreement being concluded annually on or before 31 July each year.
- 8.4. The employment contract of a person appointed for a fixed term must include, subject to applicable labour legislation, details of –
  - 8.4.1. the duties, remuneration, benefits and other terms and conditions of employment of the employee;
  - 8.4.2. the term of employment, which terms may not exceed a period ending one year after the election of the next council of the Municipality, provided that the term of any person appointed to work directly under the supervision and command of a political office-bearer or other councillor must expire if that office-bearer ceases to hold that office;
  - 8.4.3. include a provision for cancellation of the contract, in the case of non-compliance with the employment contract or the performance agreement;
  - 8.4.4. stipulate the terms of the renewal of the employment contract, but only by agreement between the parties; and
  - 8.4.5. reflect the values and principles referred to in section 50, the Code of Conduct set out in Schedule 2, and the management standards and practices contained in section 51 of the Municipal Systems Act.
- 8.5. The annual performance agreement must be concluded within a reasonable time after a person has been appointed and, thereafter, on or before 31 July each year and must include-

- 8.5.1. The performance objectives and targets that the incumbent must meet during the next financial year. Such performance objectives and targets must be practical, measurable and based on the key performance indicators set out in the Municipality's integrated development plan.
  - 8.5.2. the time frames within which those performance objectives and targets must be met;
  - 8.5.3. standards and procedures for evaluating performance;
  - 8.5.4. the intervals for evaluation; and
  - 8.5.5. the consequences of substandard performance.
- 8.6. The annual performance agreements of the municipal manager, senior managers and any other categories of officials as may be prescribed in terms of the Local Government: Municipal Finance Management Act, Act No 56 of 2003 must be made public no later than 14 days after the approval of the municipality's service delivery and budget implementation plan as required by the abovementioned Act.
- 8.7. Copies of such performance agreements must be submitted to the council and the MEC for local government in the province within thirty days after signing of the performance agreements.

**Appointment of managers directly accountable to the Municipal Manager**

- 8.8. In terms of section 56 of the Municipal Systems Act, the Council, after consultation with the Municipal Manager, appoints managers who report direct to the Municipal Manager.
- 8.9. A person appointed as –
- 8.9.1. Manager directly accountable to the Municipal Manager, may be appointed to that position only -

- 8.9.1.1. in terms of a written employment contract with the Municipality; and
  - 8.9.1.2. subject to a separate performance agreement being concluded annually on or before 31 July each year.
- 8.10. The employment contract of a person appointed as manager directly accountable to the Municipal Manager must include, subject to applicable labour legislation, details of –
- 8.10.1. the duties, remuneration, benefits and other terms and conditions of employment of the employee;
  - 8.10.2. the term of employment, which terms may not exceed a period ending one year after the election of the next council of the Municipality, provided that the term of any person appointed to work directly under the supervision and command of a political office-bearer or other councillor must expire if that office-bearer ceases to hold that office;
  - 8.10.3. include a provision for cancellation of the contract, in the case of non-compliance with the employment contract or the performance agreement;
  - 8.10.4. stipulate the terms of the renewal of the employment contract, but only by agreement between the parties; and
  - 8.10.5. reflect the values and principles referred to in section 50, the Code of Conduct set out in Schedule 2, and the management standards and practices contained in section 51 of the Municipal Systems Act.
- 8.11. The requirements of paragraphs 8.5 to 8.7 above that deals with performance agreements is also applicable to the appointment of managers directly accountable to the Municipal Manager.

#### **Appointment of employees to posts in the temporary establishment**

- 8.12. A person appointed to a temporary position –

- 8.12.1. is appointed at the salary applicable to a comparable position on the permanent establishment;
- 8.12.2. may not receive any housing and travelling benefits;
- 8.12.3. may not become a member of a retirement fund or medical aid scheme to which the Municipality must contribute;
- 8.12.4. earns leave in terms of the relevant collective agreement; and
- 8.12.5. is subject to the attendance requirements, rules of conduct and grievance procedures in terms of the Municipality's conditions of service.
- 8.12.6. may not be appointed for a period exceeding six (6) months and may not be appointed for a consecutive period of six (6) months.

**Appointment of temporary employees in permanent positions**

- 8.13. A Director may, with the approval of the Municipal Manager, and after consultation with the Director Corporate Services and Director Financial Services respectively, appoint a person who is not an employee, in a temporary capacity in a position in the permanent establishment if-
  - 8.13.1. the position is vacant and is likely to remain vacant for a significant period; or
  - 8.13.2. the incumbent of that position is or will be absent from work for a prolonged period (30 days or more).
- 8.14. A person appointed in terms of par (a) –
  - 8.14.1. is appointed on the lowest notch of the salary scale applicable to the position;

- 8.14.2. is appointed for a maximum period of 12 months;
  - 8.14.3. may not receive any housing and travelling benefits;
  - 8.14.4. may not become a member of a retirement fund or medical aid scheme to which the Municipality must contribute;
  - 8.14.5. earns leave in terms of the relevant collective agreement; and
  - 8.14.6. is subject to the attendance requirements, rules of conduct and grievance procedures in terms of the Municipality's conditions of service.
- 8.15. Whenever a person is appointed in a temporary capacity she/he must, not later than the day on which her/his employment commences receive a letter of employment in terms of section 29 of the Basic Conditions of Employment Act 1997. Such a letter must, amongst other things, clearly state-
- 8.15.1. the date on which the person's employment with the Municipality commences;
  - 8.15.2. if possible, the date on which her/his employment terminates, or if it is not possible to determine the termination date with reasonable accuracy, the circumstances under which her/his employment will terminate;
  - 8.15.3. that there is no expectation that the person's employment will be renewed or extended beyond the term referred to in 7.10.2;
  - 8.15.4. that any failure to renew or extend the period of employment shall not constitute a dismissal of the person and that she/he shall not be entitled to any additional remuneration or compensation in respect of the completion of such period;
  - 8.15.5. that the person's employment with the Municipality will come to an automatic end on expiry of the term and such termination shall not be construed as a termination based on the Municipality's operational

requirements, nor as an unfair dismissal. Accordingly, reference in par (iv) to additional remuneration or compensation to which the employee shall not be entitled includes but is not limited to, severance pay, notice pay, retirement and medical aid fund benefits to which an employee may otherwise be entitled to in the event of a termination based on an employer's operational requirements.

**Appointment of personnel in the office of any councillor**

- 8.16. Only the Executive Mayor is entitled to one or more employees being assigned to her/him.
- 8.17. Any position created with the sole purpose of providing administrative support to the Executive Mayor, is created on the establishment of the Office of the Municipal Manager.
- 8.18. Any person employed in a post contemplated in par 8.12 must be appointed in terms of a written fixed term contract entered into with the Municipal Manager. The term of an appointment in terms of this paragraph expires automatically when the Executive Mayor, ceases to be the Executive Mayor.
- 8.19. Notwithstanding any provision to the contrary contained in this Manual the appointment of employees in the office of the Executive Mayor will be done by the Executive Mayor. The appointment of such employee is within the sole discretion of the Executive Mayor.

**Appointment of replacement labour in the event of a strike**

- 8.20. The Municipal Manager may after, compliance with Section 4 paragraphs 4.1.2 and 4.2 of the SALGBC Main Collective Agreement, and after consultation with the relevant directors and the Director Financial Services, employ replacement labour during a strike in terms of, and consistent with, section 76 of the Labour Relations Act 1995 and after.
- 8.21. Every person appointed as replacement labour must receive a letter of appointment

that complies with section 29 of the Basic Conditions of Employment Act 1997. The letter of appointment must clearly stipulate that –

- 8.21.1. the appointment is only for the duration of the strike and that the services of the employee will terminate immediately when the regular employees of the Municipality return to work; and
  - 8.21.2. termination of any replacement labour employment shall not constitute a dismissal of the person concerned and that she/he shall not be entitled to any additional remuneration or compensation in respect of the completion of such period. The person's employment with the Municipality will come to an automatic end on expiry of the term and such termination shall not be construed as a termination based on the Municipality's operational requirements, nor as an unfair dismissal. Accordingly, reference in this paragraph to additional remuneration or compensation to which the person shall not be entitled, includes but is not limited to, severance pay, notice pay, retirement and medical aid fund benefits to which an employee may otherwise be entitled to in the event of a termination based on an employer's operational requirements.
- 8.22. Replacement labour is appointed to the positions of employees who are on strike.
- 8.23. Replacement labour must perform the functions of the striking workers.
- 8.24. Replacement labour is paid per hour worked at the hourly pay rate of the employee whose work she/he has been doing.

## **9. ISSUING OF NOTICES OF APPOINTMENT, TRANSFER, DEMOTION & JOB OFFERS**

- 9.1. Only the Director Corporate Services may-
- 9.1.1. issue a notice to an applicant for a job, including any replacement labour hired in the event of a strike, that she/he had been appointed;

- 9.1.2. notify an employee of her/his transfer, promotion, demotion or dismissal;
  - 9.1.3. notify an employee that she/he successfully completed her/his period of probation or that her/his period of probation has been extended;
  - 9.1.4. notify an employee of any change in her/his particulars of employment; and
  - 9.1.5. notify an employee that an application made by that employee for participation in any scheme or programme of the Municipality has been granted or denied, except a decision with regard to an application for leave.
- 9.2. When issuing a notice to a person in terms of this paragraph the Director Corporate Services must use the most reliable communications methods available.

## **10. TRANSFER**

- 10.1. The purpose of transferring employees is-
- 10.1.1. to ensure that employees are utilized for the purposes of meeting the Municipality's human resources needs;
  - 10.1.2. to enhance career advancement prospects of employees; and
  - 10.1.3. to create opportunities for employees to stay in the Municipality's service as an alternative for dismissal for incapacity due to illness or injury or poor work performance or due to the Municipality's operational requirements.
- 10.2. No employee appointed for a fixed term, whether she/he was appointed in terms of section 57 of the Municipal Systems Act or an employee appointed in a temporary capacity may be transferred to another position.
- 10.3. An employee may not be transferred from one position to another unless-

- 10.3.1. a vacant position on the same level exists;
- 10.3.2. the employee agrees to such transfer; and
- 10.3.3. the transfer is intended to avoid the employee's dismissal:
- 10.3.4. for incapacity due to illness or injury or poor work performance; or
- 10.3.5. due to the Municipality's operational requirements.

## **11. DEMOTION**

- 11.1. The purpose of demotion is to create opportunities for employees to stay in the Municipality's service, at a lower level, as an alternative to dismissal.
- 11.2. An employee can only be demoted to a lower post as a penalty for misconduct if a position exists to which that employee may be demoted and if the employee is suitably qualified for the position.

## **12. DIFFERENCES ABOUT APPOINTMENT, TRANSFERS AND DEMOTIONS**

- 12.1. Whenever there is a difference between two or more directors regarding the appointment, transfer or demotion of an employee or an applicant in a position where the competence to make the appointment has been delegated to one of those directors, the matter must be submitted to the Municipal Manager for a decision.
- 12.2. The decision of the Municipal Manager in the matter is final.

## **13. REPORTING ABOUT APPOINTMENTS AND DISMISSALS**

- 13.1. The Director Corporate Services must on or before the seventh of each month, submit a report to the Municipal Manager and the Director Financial Services regarding all appointments, promotions, transfers, demotions, dismissals, resignations, retirements and changes to remuneration of employees during the past month in the format determined by the Municipal Manager.

- 13.2. An exit interview must be conducted for each employee that terminates his services voluntarily for whatever reason with the municipality.

#### **14. PARTICULARS OF APPOINTMENT**

- 14.1. The Director Corporate Services must present every newly appointed employee with a letter of appointment not later than the day on which she/he starts working in terms of section 29 of the Basic Conditions of Employment Act 1997.
- 14.2. Whenever any of the details contained in such a letter change the Director Corporate Services must inform the employee in writing of such changes.
- 14.3. In the event of an employee that cannot read the relevant departmental head must explain the content of such letter and any amendment thereof to every such employee in a language that she/he understands.

#### **15. TRAVELLING AND SUBSISTENCE OF CANDIDATES**

No travelling and subsistence will be paid to applicants attending interviews.

#### **16. ETHICS OF EMPLOYMENT**

- 16.1. Whenever-
- 16.1.1. a committee must advise the Council with regard to an appointment and a candidate for appointment is a family member, business associate or partner of a councillor, that councillor must recuse her/him from any proceedings of the Council where such appointment is considered;
  - 16.1.2. the Municipal Manager or a director must make an appointment and a candidate for appointment is a family member, business associate or partner of the Municipal Manager or that director, the Municipal Manager or the director concerned must recuse her/him from any proceedings where such appointment is considered. The Municipal Manager must appoint another senior employee from the relevant department and another director to consider such an appointment.

- 16.2. A councillor's role in the appointment of employees is limited to her/his participation in committee and council meetings during the appointment process.
- 16.3. An employee's job level and/or salary grade may not be increased for the sole reason of an increase in her/his workload.
- 16.4. An employee who may during the course of the performance of her/his official duties have access to personal information regarding another employee, shall be required to sign a confidentiality undertaking, provided that any manager appointed in terms of section 57 of the Municipal Systems Act shall sign such an undertaking. An original copy of the signed undertaking shall be kept in the relevant employee's personal file.

## **17. APPOINTMENT OF FAMILY MEMBERS OF EMPLOYEES**

- 17.1. Employment of immediate family members and relatives of employees must, as far as possible, be avoided.
- 17.2. No councillor or employee may participate in any decision, which may directly benefit or be to the detriment of an immediate family member or relative or any other person that he/she may have a relationship.
- 17.3. No employee may be appointed, promoted or transferred in such a manner that she/he would supervise, or be subordinate to, an immediate family member or relative.
- 17.4. Whenever a family member or relative of an employee applies for a vacant position, the Director Corporate Services must point out the content of this policy to the parties involved, including the person or persons who must make the appointment. The councillor or employee must declare any relationship with any candidate and excuse themselves from the proceedings.

## **18. BREACH OF THIS POLICY**

Non-compliance with the policy stipulations will be regarded as misconduct.

## **19. DATE OF EFFECT OF THIS POLICY**

This internal policy will be effective from the first day of the calendar month following the date on which Council has approved this internal policy.

## **20. AUTHORITY**

Formulation:	Human Resources Policies
Authorization and approval:	Council
Ownership and maintenance:	Directorate Corporate Services Human Resources Department