

**BUSHBUCKRIDGE LOCAL MUNICIPALITY**  
**3. EMPLOYMENT PRACTICE**  
**POLICY**

<b>Policy Number:</b>	<b>Approved Date:</b>
<b>Effective Date:</b>	<b>Review Date: 26 FEBRUARY 2015</b>

**1. PREAMBLE**

The staffing policy and its implementation will be fundamentally aimed at matching the human resources to the strategic and operational needs of the Municipality and ensuring the full utilization and continued development of these employees.

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, except as provided in this policy with reference to affirmative action and employment equity.

**2. DEFINITIONS**

- 2.1. **“Induction”** initiation: a formal entry into an organization or position or office.
- 2.2. **“Nepotism”** means favoritism on the basis of family relationship or friendship.
- 2.3. **“candidate”** means an applicant for a post
- 2.4. **“Recruitment”** means the activities undertaken in the human resource management in order to attract sufficient job candidates who have the necessary potential, compliances and traits to fill job requirements and to assist the municipality in achieving its objectives.
- 2.5. **“Reference check”** means the gathering of information about candidate’s past history from people with whom such candidate has been associated.
- 2.6. **“selection”** means the process of making decisions about the matching of candidates taking into account individual differences and the requirements of the job.

All terminology not defined under clause 2 of this policy shall bear the same meaning as in the applicable legislation.

### **3. LEGAL FRAMEWORK**

The responsibility for the appointment of personnel rests with the Municipal Manager of the Employer or his/her delegated assignee(s) in terms of section 55(1)(e) of the Local Government:

- 3.1. The constitution of RSA Act 108 of 1996
- 3.2. Municipal Systems Act, 2000 (Act 32 of 2000).
- 3.3. Employment Equity Act (Act 55 of 1998)
- 3.4. Basic Conditions of Employment Act 1997 (Act No 75 of 1997)
- 3.5. Labour Relations Act, (Act 66 of 1995)

### **4. SCOPE AND APPLICATION**

To ensure a fair and equitable employment process, this policy shall apply to all appointments made within the Municipality. This policy will not apply to appointments arising out of a procurement process, acting appointments or rotating portfolios to which staff is elected by popular voting.

### **5. OBJECTIVES OF POLICY**

The Municipality recognizes that its employment policies, practices and procedures must comply with the principle of the rule of law. The principle of the rule of law includes the principle of legality, which requires the Municipality, its political structures and political office-bearers as well as its employees, to comply at all times and without exception with the relevant legal prescripts governing the situation concerned.

This policy is further based on the principles set out below. Human resources management in the Municipality must –

- 5.1 Be characterized by a high standard of professional ethics;
- 5.2. Promote the efficient, economic and effective utilization of employees;
- 5.3. Be conducted in an accountable manner;
- 5.4. Be transparent;
- 5.5. Promote good human resource management and career development practices, to maximize human potential; and
- 5.6. Ensure that the Municipality's administration is broadly representative of the South African people, with human resources management practices based on ability, objectivity, fairness and the need to redress the imbalances of the past to achieve broad representation.

### **6. POLICY CONTENT**

The responsibility for the appointment of personnel rests with the Municipal Manager of the employer or his delegated assignee(s) in terms of section 55(1)(e) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

## **6.1 Post Establishment**

The Municipality will maintain a record of all approved posts and shall monitor all appointments against posts according to the approved staff establishment.

The post structure is aligned with the municipal IDP and approved system of job evaluation (TASK) as defined by the South African Local Government Bargaining Council.

The Municipal Council shall, unless it has issued delegations to any other authority, have an oversight role in the staff establishment of the Municipality. Therefore, all requests for new positions and/ or unfreezing of the posts must be approved by the Municipal Manager or his delegated authority.

## **6.2 Recruitment – Refer Annexure A**

### **6.2.1 *Determining recruitment needs***

Prior to filling a post, the necessity for filling shall be assessed and motivated in writing by the Director to the Municipal Manager or his delegate: Provided that the authority to fill vacancies can only be delegated to a Director.

### **6.2.2 *Validation of inherent requirements***

The inherent requirements of a job must reflect the needs of the Municipality and must be appropriate to achieve the service delivery interests of the Municipality.

Prior to the recruitment process commencing, the outputs, skills, knowledge and competencies and stated educational requirements as contained in the competency/ job profile or job description are scrutinized as to relevance and applicability.

### **6.2.3 *Recruitment Advertisement***

The validated inherent job requirements and key performance areas shall form the basis for the advertisement/brief and all advertisements shall clearly state:

- (a) The name and location of the Municipality.

- (b) A statement that the Municipality subscribes to the principles of employment equity.
- (c) The designation of the position that is advertised.
- (d) The minimum requirements in terms of qualification, skills, expertise and other requirements for appointment.
- (e) A summary of the key performance areas/primary duties of the position.
- (f) A statement that the appointment will be permanent or for a fixed term, and the term (if applicable).
- (g) In the case of the Municipal Manager and a manager directly accountable to the Municipal Manager in particular section 56 managers, a statement that the continued employment of the successful candidate will be subject to the annual conclusion of a performance agreement with the Municipality.
- (h) The name and contact details of the person to whom enquiries may be directed.
- (i) A statement that canvassing will disqualify any candidate from being considered for appointment.
- (j) An indication of the remuneration offered.
- (k) The format and content of applications.
- (l) The address where, and person to whom, applications must be delivered.
- (m) The method of submitting the applications whether post or hand delivery
- (n) The closing date for the submission of applications.
- (o) A statement that applications received after the closing date will not be accepted or considered.
- (p) A statement that if an applicant does not hear from the municipality within 30 days his/her application was unsuccessful.
- (q) A statement that email and faxed applications will not be considered.

NB: Application by post received after the closing with a prove from post office that it was sent to the institution by time should be considered as have arrive in time.

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**

<b>Nature of Post</b>	<b>Advertising Medium</b>
Temporary elementary positions	Local newspapers and internal
Permanent elementary occupations	Internal (Notice boards)
Entry and middle level occupations	Internally and local newspapers
Senior management and professional Occupations	Internally, provincial and national newspapers

**6.2.4 Unsolicited applications**

Unsolicited 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.

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

### **6.2.5 Head hunting**

Head hunting will be applied with caution at all times, and it may be deployed at any stage of the selection process, when the selection panel is of the opinion that the assessed candidates are not suitable and / or do not meet the requirements of the employment equity plan.

Normally targeted persons will be provided with the copy of the recruitment advertisement and allowing them to apply of their own accord, unless otherwise the selection panel so decide.

### **6.2.6 Application forms**

The Director Corporate Services must design and ensure that a sufficient supply of official application forms is available and accessible at all times. Unless specifically allowed in a particular case, all applications must be submitted on an official application form. Any applicant or category of applicants, who has not been exempted from this requirement and did not complete the official application form, must do so before an interview.

## **6.3 Selection – Refer Annexure B**

### **6.3.1 General Principles Governing Selection**

Selection criteria shall be objective and related to the inherent requirements of the job and realistic future needs of the Municipality.

The central guiding principle for selection shall be competence in relation to the inherent requirements of the job provided that selection shall favour, as determined by the targets, suitably qualified applicants as defined in section 20[3] of the Employment Equity Act.

Canvassing, i.e. attempting to solicit the influence of any person who could substantially influence the selection process by job applicants, or any other person on behalf of job applicants, for posts within the Council's service is prohibited and evidence thereof will disqualify the applicant's application for consideration for appointment.

#### **6.3.1.1 Nepotism**

The basic criteria for the appointment and/or promotion of employees in the Municipality shall be appropriate qualifications and appropriate performance as set forth in the policies of the Council.

Relationship by a family or marriage shall constitute neither an advantage nor a disadvantage.

Any poor performance or loss of productivity which is a direct result of conflict between two family members both employed in the organization can result in severe disciplinary action being implemented against both employees.

For the purpose of this policy, relatives are defined as next of kin.

### **6.3.2 Selection Process**

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.

The Selection process will be conducted by a Selection Panel consisting of (depending and with due cognisance of the post) arranged as follows:

#### **6.3.2.1. Short listing and Interviewing panel for section 54 (Municipal managers)**

- Executive Mayor
- Political Head of Corporate services
- Official from COGTA
- Official from SALGA
- Municipal manager from a District municipality
- Human Resource manager (scribe)

#### **6.3.2.2. Short listing and interviewing panel for section 56 (managers directly accountable to Municipal Manager)**

- Executive Mayor
- Political Head of Corporate services
- Political head of the relevant portfolio
- Official from COGTA
- Municipal Manager
- Municipal manager from a other municipality
- Human Resource manager (scribe)

#### **6.3.2.3. Short listing and interviewing panel for Operational Managers**

- Municipal Manager
- Director Corporate
- Director relevant Department
- Two other Directors
- One representative from each union

#### **6.3.2.4. Short listing and interviewing panel for all other post**

- Director Corporate Services
- Manager HR
- Relevant director
- Relevant Unit Manager
- Manager from any Department
- One representative from each union

Labour Unions – may attend the proceedings as observers only.

### **6.3.3 Compiling of master lists**

After the closing date of an advertisement all the applications received for every specific position are captured in on the master list compiled by the Director Corporate Services. The master list must contain, in table form, the following particulars in respect of each candidate:

- (a) the applicant's surname followed by her/his initials
- (b) the applicant's gender;
- (c) the applicant's race;
- (d) the applicant's qualifications and experience relevant to the job description and job specification; and
- (e) if applicable, the nature of the applicant's disability

The Director Corporate Services must submit the master list, together with the applications to the relevant departmental head or in the case of the appointment of a Municipal Manager or a manager directly accountable to the Municipal Manager, to the Executive Committee.

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 disapproved, such information must be noted next to the name of the candidate in the master list.

### **6.3.4 Compiling short lists**

The panel for short listing and interviewing as per this policy section 6.3.2 must have the master list of the entire applicants, for the purpose of short listing.

Short listing must be done in accordance with the following order of preference:

- (a) Internal applicants
- (b) Local applicants
- (c) Provincial applicants
- (d) National applicants

The panel of short listing through its scribe or the HR, as the case may be, must submit the particulars of the short listed candidates which are duly signed by the members of the panel and observers (trade unions) to the Director Corporate Services.

### **6.3.5 Notification of short listed candidates of selection proceedings**

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

### **6.3.6 Interviewing in respect of vacancies – Refer Annexure C**

Except for appointments that must be made by the Council, the Director Corporate Services or his/her designated representative, the departmental head concerned and not more than one other senior employee from the relevant department must conduct interviews for all positions, see 6.3.2 above.

Completed score sheets must be kept in safe storage for a period of at least twelve months after an appointment decision has been made.

### **6.3.7 Conducting proficiency tests**

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.

## **6.4 Appointment**

The appointment of an applicant may take place only in accordance with the requirements of the post concerned and the merit of the applicant.

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

A person appointed as:

- (a) Municipal Manager,
- (b) Managers directly accountable to the Municipal Manager.

The employment contract of a person appointed for a fixed term must include, subject to applicable labour legislation, details of:

- (aa) the duties, remuneration, benefits and other terms and conditions of employment of the employer and employee;



- (bb) 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 Councilor must expire if that office-bearer ceases to hold that office;
- (cc) include a provision for cancellation of the contract, in the case of non-compliance with the employment contract or the performance agreement;
- (dd) stipulate the terms of the renewal of the employment contract, but only by agreement between the parties; and
- (ee) 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.

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:

- (i) 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.
- (ii) The time frames within which those performance objectives and targets must be met;
- (iii) standards and procedures for evaluating performance;
- (iv) the intervals for evaluation; and
- (v) the consequences of substandard performance.
- (vi) 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.
- (vii) Copies of such performance agreements must be submitted to the council and the MEC for local government in the Mpumalanga province within thirty days after signing of the performance agreements.

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

A person appointed to a temporary position:

- (a) is appointed at the salary applicable to a comparable position on the permanent establishment;
- (b) may not receive any housing and travelling benefits;
- (c) may not become a member of a retirement fund or medical aid scheme to which the Municipality must contribute;

- (d) earns leave in terms of the relevant collective agreement; and is subject to the attendance requirements, rules of conduct and grievance procedures in terms of the Municipality's conditions of service;
- (e) May not be appointed for a period exceeding six(6) months and may not be appointed for a consecutive period of six (6) months.

#### **6.4.3 Appointment of personnel in the office of any Councilor**

Only a full-time political office-bearer is entitled to one or more employees being assigned to her/him. Any position created with the sole purpose of providing administrative support to a Councilor, is created in the department responsible for corporate services.

Any person employed in a post assigned to any Councilor 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 Councilor to whom the employee had been assigned, ceases to be a Councilor, political office-bearer or a fulltime Councilor of the Municipality, whichever event happens first.

#### **6.4.4 Appointment to a permanent position**

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.

Whenever any of the details contained in such a letter change the Director Corporate Services must inform the employee in writing of such changes.

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.

##### **6.4.4.1 Probation**

Any permanent employee who is newly appointed must be appointed on probation for a fixed period not exceeding six (6) months. Any appointment on probation must also comply with the relevant legal prescripts of the Labour Relations Act, Act 66 of 1995 and any Code of Good Practice published in terms of the aforementioned Act.

The departmental head concerned must evaluate the progress and performance of an employee appointed on probation on a monthly basis according to such factors, objectives and criteria as may be prescribed in terms of the Municipality's employee performance appraisal system.

#### **6.4.4.2. Induction**

On permanent appointments, the respective HR Manager will take full responsibility for induction:

- (a) The new incumbent will be introduced to his / her immediate staff / colleagues by the HR Manager.
- (b) The respective HR Manager shall ensure, in conjunction with the incumbent, that all appointment documentation has been completed and processed.
- (c) The responsible HR Manager will arrange a tour / explanation for the new incumbent of the range of services.
- (d) The HR Manager will explain and provide a copy of the job description relating to the new employee's specific position / job function (line management is expected to conduct a full job orientation).
- (e) The HR Manager will also explain and provide a copy of the Councils Human Resources Policy and Procedure Manual.
- (f) The Director is responsible for the induction of each employee in his/her department in order to familiarise the employee with the department in which he/she has been appointed.
- (g) Code of conduct.
- (h) Declaration of interests.

#### **6.5 Relocation of Newly Appointed Employees**

The Municipality shall pay 75% of an employee's cost of moving from another place to a place closer to her/his workplace on her/his appointment, including transit insurance, but excluding any packing and packaging cost, as indicated on the cheapest of the quotations, regardless of the quotation the employee accepts.

The employee must obtain three written quotations for the relocation of that employee's household and appoint a removal company to relocate her/his household goods. The written quotations obtained by the employee must be attached to her/his claim for reimbursement.

The employee must reimburse the full amount of the subsidy to the Municipality if her/his employment with the Municipality is terminated for whatever reason within one year after the subsidy had been paid. If her/his employment with the Municipality is terminated for whatever reason after completion of one year, but before two years have been completed, the employee must reimburse the Municipality for 75% of the subsidy.

#### **6.6 Confidentiality**

By signing, the Contract of employment, all employees bind themselves to an undertaking of confidentiality, whereby they will not disclose any information pertaining to the operations of Council without the permission of Council and Municipal Manager, unless required within the course of their duties, whether this be during or after termination of employment.

**7. IMPLEMENTATION AND MONITORING**

This policy will be implemented and effective once recommended by the Local Labour Forum and approved by Council.

**8. COMMUNICATION**

This policy will be communicated to all Municipal employees using the full range of communication methods available to the municipality.

**9. POLICY REVIEW**

This policy will be reviewed annually and revised as necessary.

**10. BUDGET AND RESOURCES**

The financial and resource implication/s related to the implementation of this policy should be qualified and quantified.

**11. ROLES AND RESPONSIBILITIES**

<b>Role</b>	<b>Responsibility</b>
<b>Municipal Manager (subject to its delegations if any)</b>	Approves the establishment and all appointments other than section 57 posts
<b>Council</b>	Develops the strategy and approves recommendations of the selection panels in respect of appointments on job levels relating to the Municipal Manager and Section 57 Employees
<b>Line Director</b>	Reviews the operational needs for advertising the positions and appoints in terms of <u>authority and delegations by the Municipal Manager</u>
<b>Selection Panels</b>	Short-lists, conducts interviews and make recommendations on suitability of candidates.
<b>Human Resources</b>	Custodian of recruitment selection, placement and induction processes of the FDDM and quality assurance
<b>Labour Representatives</b>	Ensures transparency and openness in the selection processes

**12. RECORD KEEPING**

Adequate records of the entire selection process need to be maintained, including selection and short listing criteria: reasons for inclusion/exclusion of candidates; structured interview guide; copies of all other assessments utilised; comprehensive notes on assessment of each candidate; assessment ratings; reference checks. As in the recruitment process, these records need to be maintained for the prescribed period.

### **13. PENALTIES**

Non-compliance to any of the stipulations contained in this policy will be regarded as misconduct, which will be dealt with in terms of the Disciplinary Code.

### **14. DISPUTE RESOLUTION**

Internal dispute resolution processes shall be followed in the event of any grievances and disputes arising out of the implementation of this policy. For all external candidates, the recognised labour relations mechanisms shall be applied.

### **15. AUTHORITY**

Formulated by: Date:

Consulted: LLF: Date:

MM Approval: Date:

Council Approval: Date: