



## EMPLOYMENT PRACTICE POLICY

## UMHLABUYALINGANA EMPLOYMENT PRACTICE POLICY

### 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 utilisation and continuous development of human resources.

All aspects of 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

**“Induction”** Initiation, information dissemination or workshop for a new or old incumbent who has joined the municipality or has been on leave or has taken a break away from work due to various reasons,

**“Nepotism”** favoritism based on family relationships and friendships

**“Candidate”** applicant for a post

**“Recruitment”** means the activities undertaken in the human resources management in order to attract sufficient job candidates who have the necessary potential, competencies and traits to fill job requirements and to assist the municipality in achieving its objectives

**“Reference check”** means the gathering of information about candidate’s past history from people with whom such candidate has been associated

**“Selection”** means the process of making decisions about the matching 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. LEGISLATIVE FRAMEWORK

3.1 The Constitution of the Republic of South Africa, Act 108, of 1996

3.2 Basic Conditions of Employment Act, 75 of 1997 as amended

3.3 Labour Relations Act, 66 of 1995 as amended

3.4 Local Government: Municipal Systems Act, 32 of 2000 as amended

3.5 Employment Equity Act, 55 of 1998

3.6 South African Local Government Bargaining Council Main Collective Agreement

3.7 Local Government: Regulations on appointment and conditions of employment of senior managers.

In the event that the provisions and interpretation of this policy is in conflict with existing legislation, the act shall prevail over the provisions of the policy.

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

This policy shall apply to all appointments made within the municipality; however it shall not apply to acting appointments and appointments regulated by national legislation and regulations.

#### **5. OBJECTIVES**

The municipality acknowledges that the employment policies, practices and procedures must comply with the principle of the rule of law, which encompasses legality and with which Council, management and all staff members must comply at all times.

The objectives of this policy are as follows:

- (a) To ensure fair and transparent selection and recruitment process
- (b) To attract competent and skilled staff
- (c) To promote efficient, economic and effective utilization of human resources
- (d) To ensure accountability within administration and governance
- (e) To promote career development and maximize human resources capacity
- (f) To ensure compliance to national legislations and general human resources practices

#### **6. POLICY CONTENT**

In terms of Local Government: Municipal Systems Act, 32 of 2000, the Municipal Manager is responsible for appointment of personnel and filling of vacancies in the staff establishment, such may be delegated in writing to relevant official.

##### **6.1 Post Establishment**

The municipality must maintain record of all approved posts and shall monitor all appointments in terms of approved staff establishment. The municipality shall maintain the staff establishment in a form of organizational structure (organogram) which must be approved by Council.

The organizational structure must be aligned to the functions of the municipality as regulated by Schedule 4 (B) of the Constitution, further be aligned to IDP strategic objectives and to TASK job grading and job evaluation. The organizational structure shall further be in line and comply to Local Government: Municipal Systems Act, 32 of 2000, Local Government: Regulations on appointment and conditions of employment of senior managers.

## **6.2 Recruitment**

The need for filling a post must be identified by the Head of Department who shall in return submit a request, motivation and duties in a form of job description to the Municipal Manager.

### **6.2.1 Section 54 and 56 managers as per Local Government: Municipal Systems Act**

The appointment of these shall comply to the Municipal Systems Act, as amended and regulations as amended from time to time where Council is assigned with the role of approving the recruitment process.

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

The inherent job requirements of the incumbent must reflect in the job description of the post to be filled. This must be clearly articulated where activities/outputs/deliverables, skills, knowledge, competencies and educational requirements are clear and documented.

### **6.2.3 Advertisement**

The post advertised must contain the following:

- (a) The name and location of the municipality
- (b) Statement that the municipality subscribes to the principles of employment equity
- (c) Designation of the post advertised
- (d) Minimum requirements like qualifications, skills and other attributes
- (e) Summary of duties, key performance areas
- (f) Indicate if post is permanent or fixed term
- (g) Name and contact details of the person to whom the enquiries may be directed
- (h) Statement that canvassing will disqualify any candidate from being considered for an appointment
- (i) Indication for a remuneration package or grade of post
- (j) Address where and person to whom, applications must be delivered
- (k) Closing date for submission of applications

Vacancies must be advertised internally and externally and it may be done simultaneously provided it follows SCM procedures for a period of advertisement and it also it complies to Section 21 of the Municipal Systems Act and that if advertised externally is in the local newspaper and national as per regulatory framework.

<b>Nature of post</b>	<b>Advertising Medium</b>
Temporary Elementary positions	Local newspapers and internal
Permanent Elementary positions	Internal
Entry and middle level occupations	Internally and local newspaper
Senior Management (Section 54 and 56)	Internally, Provincial and National newspaper

#### **6.2.4 Unsolicited applications**

Unsolicited applications received where no vacancy was advertised must be returned to the applicant stating that the municipality shall advertise if need arise. Undertaking to accept unsolicited application for appointment shall constitute misconduct and be subjected to disciplinary processes.

#### **6.2.5 Headhunting**

Headhunting is a process where the normal selection and recruitment process fails to solicit a competent and qualified candidate and the process of searching qualified potential candidates is considered by the municipality. In which case it must be exercised with caution where the selection panel identifies that the assessed candidates are not suitable and/ or do not meet the requirements of the post or the employment equity targets.

The headhunted/ targeted candidates will be afforded the advertisement and allow them to apply for the post. The normal recruitment process shall be followed.

### **6.3 Selection**

#### **6.3.1 Principles of fair Selection**

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

##### **(a) Fair selection based on employment equity targets**

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 employment equity targets, suitably qualified applicants as defined in Section 20 (3) of the Employment Equity Act and Employment Equity Plan of the municipality.

##### **(b) Fair selection based on relevant experience/performance, training (internal and external)**

Unless formal or statutory qualifications are clearly justified as essential for the job, relevant experience/performance, training (internal and external) as reflected and measured through competencies and potential for the prospective vacancy shall be an important criterion.

##### **(c) Fair selection not influenced by canvassing or influence**

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

**(d) Fair selection not based on nepotism**

The basic criteria for appointment and promotion of employees in the municipality shall be appropriate qualifications and appropriate performance as set forth in the policies of the Council. Relationship by family or marriage shall constitute neither an advantage nor a disadvantage.

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.

**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 shall be conducted by a selection panel consisting of (depending and with due cognisance of the post):

- (i) The municipal manager or his delegate
  - (ii) Manager of department/Section
  - (iii) Human Resource Manager
  - (iv) Employment equity officer
- 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 shall contain, in table form, the following particulars in respect of each candidate:

- (i) The applicant's surname followed by her/his initials
- (ii) The applicant's gender;
- (iii) The applicant's race;
- (iv) The applicant's qualifications and experience relevant to the job description and job specification; and
- (v) If applicable, the nature of the applicant's disability

Director Corporate Services shall 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, which shall be in accordance with the applicable Municipal Systems Act (MSA) regulations (regulation on appointment of senior managers).

Director: Corporate Services shall, 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 through background check. If any candidate submitted or claimed that he/she had some or other certificate or diploma, qualification or experience that is disproved, such information shall be noted next to the name of the candidate in the master list.

#### **6.3.4 Compiling short lists**

The departmental head concerned or the selection panel appointed by Council in terms of regulations, as the case may be, shall 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 his/her opinion would be the most suitable candidates to be subjected to the selection process.

Short listing shall be done in accordance with the following order of preference –

- (i) Internal applicants
- (ii) Local applicants
- (iii) Provincial applicants
- (iv) National applicants

The relevant departmental head or the selection panel appointed by Council, as the case may be, shall submit the particulars of the short listed candidates to Director Corporate Services.

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

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

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

Except for appointments that shall 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 shall conduct Interviews for all positions.

The municipal manager or his/her designated representative shall attend and may participate in any interview for appointing an employee-

- (a) On the first level below the level of departmental head;
- (b) As manager directly accountable to her/him; and
- (c) In her/his department/office

Completed score sheets shall be kept in safe storage for a period of at least six 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) Appointment of Senior managers (Section 54 and 56)*

A person appointed as –

- (i) Municipal manager,
- (ii) Manager directly accountable to the municipal manager.

The report on interviews for Senior Managers must be tabled to Council as per regulation wherein after the resolution, application and all recordings of recruitment process must be forwarded to the MEC in the Province as per regulations.

The employment contract of a person appointed for a fixed term shall 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 two years 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 shall 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 shall be concluded within a reasonable time after a person has been appointed and, thereafter, on or before 31 July each year and shall include-



- (ff) The performance objectives and targets that the incumbent shall meet during the next financial year. Such performance objectives and targets shall be practical, measurable and based on the key performance indicators set out in the municipality's integrated development plan.
- (gg) The time frames within which those performance objectives and targets shall be met;
- (hh) Standards and procedures for evaluating performance;
- (ii) The intervals for evaluation; and
- (jj) The consequences of substandard performance.
- (kk) 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 shall 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.
- (ll) Copies of such performance agreements shall be submitted to the council and the MEC for Local Government in the province within thirty days after signing of the performance agreements.

**(b) *Appointment of employees to posts in the temporary establishment***

A person appointed to a temporary position –

- (i) Is appointed at the salary applicable to a comparable position on the permanent establishment;
- (ii) May not receive any housing and travelling benefits;
- (iii) May not become a member of a retirement fund or medical aid scheme to which the municipality shall contribute;
- (iv) 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;
- (v) May not be appointed for a period exceeding six(6) months and may not be appointed for a consecutive period of six (6) months.

**(c) *Appointment of personnel in the office of any councillor***

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 councillor, is created in the department responsible for corporate services.

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

**(d) Appointment of replacement labour in the event of a strike**

The municipal manager may, after consultation with the relevant departmental heads and the Chief Financial Officer, employ replacement labour during a strike in terms of, and consistent with, Section 76 of the labour relations act 1995.

Every person appointed as replacement labour shall receive a letter of appointment that complies with Section 29 of the basic conditions of employment act 1997. The letter of appointment shall clearly stipulate that:

- (i) The appointment is only for the duration of the strike and that the services of the employee shall terminate immediately when the regular employees of the Municipality return to work; and
- (ii) 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.
- (iii) The person's employment with the municipality shall 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.
- (iv) 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.

**(e) Appointment to a permanent position**

The Director: Corporate Services shall 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 shall inform the employee in writing of such changes.

In the event of an employee that cannot read the relevant departmental head shall explain the content of such letter and any amendment thereof to every such employee in a language that she/he understands.

**(i) Probation**

Any permanent employee who is newly appointed shall be appointed on probation. The appointing authority shall determine the period of probation at the time of making the appointment having regard for the inherent requirements of the position concerned. Any appointment on probation shall 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 shall 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.

**(ii) Induction**

On permanent appointments, the respective Human Resource Manager shall take full responsibility for induction:

- (aa) The new incumbent shall be introduced to his / her immediate staff / colleagues by the Human Resource Manager.
- (bb) The Human Resource Manager shall ensure, in conjunction with the incumbent, that all appointment documentation has been completed and processed.
- (cc) The Human Resource Manager shall arrange a tour / explanation for the new incumbent of the range of services.
- (dd) The Human Resource Manager shall 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).
- (ee) The Human Resource Manager shall also explain and provide a copy of the council's Human Resources policy and procedure manual.
- (ff) The head of department 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.

**(f) Confidentiality**

By signing, the contract of employment, all employees bind themselves to an undertaking of confidentiality, whereby they shall 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 shall be implemented and effective once approved by council.

**8. Communication**

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

**9. Policy review**

This policy shall be reviewed annually and revised as necessary.

**10. Budget and resources**

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

**11. 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.

**12. Penalties**

Non-compliance to any of the stipulations contained in this policy shall be regarded as misconduct, which shall be dealt with in terms of the disciplinary code.

**13. 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.

APPROVED ON

31/03/2016

COUNCIL RESOLUTION NO:

UMHC: 83

MUNICIPAL MANAGER

  
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