

INTERNAL POLICY

MOHOKARE LOCAL MUNICIPALITY	
SUBJECT: Organisational Design, Approving and Changing the Organisational Structure, Creating and Abolishing Posts and the Staff Establishment	POLICY NO:
DIRECTORATE: CORPORATE SERVICES	COUNCIL ITEM:
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1. Definitions

1.1 In this policy, unless the context indicates otherwise:-

- (a) **“bargaining council”** means the South African Local Government Bargaining Council and includes the division of the bargaining council in whose area the Municipality falls;
- (b) **“Basic Conditions of Employment Act”** means the Basic Conditions of Employment Act 1997 (Act No 75 of 1997);
- (c) **“collective agreement”** means a collective agreement concluded in the bargaining council as contemplated in the Labour Relations Act 1995 (Act No 55 of 1995);
- (d) **“council”** means the Council of the Municipality and includes any political structure, political office-bearer or employee of the Municipality lawfully acting in its stead;

“elementary positions” means positions which require relatively low levels of skills, knowledge and experience to perform mostly simple and routine tasks, involving the use of hand held tools and in some cases requiring considerable physical effort, and, with few exceptions, limited personal initiative and judgement, for example labourers performing lifting, digging, mixing, loading, and pulling operations; garbage collectors; sweepers; etc.;
- (e) **“employee”** means a person who works for, or renders a service to, the Municipality regardless of the form of her/his employment contract, and in respect of which any factor enumerated in section 200A(1) of the Labour Relations Act applies;
- (f) **“Labour Relations Act”** means the Labour Relations Act 1995 (Act No 66 of 1995);
- (g) **“Municipal Manager”** includes a person acting in his/her stead or in terms of a power delegated in writing to her/him by the Municipal Manager;
- (h) **“Municipal Systems Act”** means the Local Government: Municipal Systems Act, 2000 (Act No 33 of 2000);
- (i) **“Municipality”** means Mohokare District Municipality,
- (j) **“placement”** means placement as contemplated in the SALGBC adopted policy;

- (k) **“promotion”** means the permanent movement of an employee from a position in one job category to a position in another job category of increased responsibility or complexity of duties and on a higher salary range;
- (l) **“trade union”** means a trade union that is a party to the bargaining council;
- (m) **“transfer”** means the permanent lateral movement of an employee from one position to another position in the same or another job category assigned to the same salary range, which may include the geographical relocation from one location to another;
- (n) **“workplace”** means any indoor or enclosed area in which employees perform their work and includes any corridor, lobby, stairwell, elevator, cafeteria, washroom or other common area frequented by employees during the course of their employment

1.2 Words importing the singular include the plural and vice versa.

1.3 Words importing one gender include the other genders.

2 Development, approval of, and changes to, the organisational structure

2.1 The Municipal Manager must develop an organisational structure -

- (a) consistent with the provisions of the Municipal Systems Act and the principles contained in this policy;
- (b) to give effect to the Municipality’s integrated development plan and strategic objectives; and
- (c) In accordance with appropriate and universal principles of organisational design.

2.2 The Municipal Manager must, as soon as he/she has finalised the organisational structure of the Municipality, or effected any changes to the approved structure, submit her/his proposals thereon to Council for consideration and/or approval and to for consultation to the local labour forum.

2.3 The Municipal Manager must give the local labour forum a reasonable time to consider and comment on the proposed organisational structure or amendment thereof. As soon as the Municipal Manager receives the comment, if any, of the local labour forum, she/he submit them to Council. The Council must consider those comments and may-

- (a) amend the proposed organisational structure in view thereof; or
- (b) Reject the comment of the local labour forum with reasons for such rejections and approve the organisational structure.

2.4 The Municipal Manager must in respect of each post in the organisational structure-

- (a) provide a designation consistent with the TASK job evaluation system;
- (b) provide a job description and post specification in accordance with the job evaluation system;
- (c) ensure that each such post is evaluated in accordance with the job evaluation system before any appointment is made to such post; and
- (d) Within one month after a post has been evaluated and the evaluation results made available, determine whether such post is a promotion post or an entry post, provided that no post that has been designated as a post to be filled in terms of section 57 of the Municipal Systems Act may be designated a promotion post.

3 Designation of posts to be filled in terms of section 57 of the Local Government: Municipal Systems Act

3.1 The Municipal Manager must be appointed in terms of a written fixed term employment contract, subject to the conclusion of an annual performance agreement, as contemplated in section 57 of the Municipal Systems Act.

3.2 As soon as the Council has approved the organisational structure of the Municipality, the Council must, after consultation with the Municipal Manager and the relevant departmental head, indicate which positions in the establishment other than those of the Municipal Manager and managers directly accountable to her/him must be filled in terms of a fixed term employment contract.

4 Staff establishment

4.1 The staff establishment consists of-

- (a) positions on the permanent establishment;
- (b) positions on the temporary establishment; and
- (c) positions on a fixed term contract.

- 4.2 The permanent establishment contains all positions that must be filled on a permanent basis and those that must be filled in terms of fixed term employment and the temporary establishment contains all positions that are created pursuant to paragraph 4.
- 4.3 The Director Corporate Services must create and maintain the staff establishment on an electronic database.
- 4.4 The staff establishment database must contain the following information relating to each position:
- (a) The designation/title of the position;
 - (b) The level of the position as approved by the bargaining council after the position has been evaluated;
 - (c) Details regarding any and all allowances that are linked to the position;
 - (d) The leave entitlements linked to the position;
 - (e) The budget vote from which the position will be funded;
 - (f) Whether a post is funded or frozen for a particular financial year or part thereof;
 - (g) Whether the position is a full or part-time position;
 - (h) Whether the position must be filled on a permanent or fixed term basis;
 - (i) Whether the position is an entry post;
 - (j) The department or other organisational unit to which the position is assigned;
 - (k) A job code ;
 - (l) The initials and surname of the incumbent of a particular post;
 - (m) The pay number of the incumbent;
 - (n) Any other relevant information.

5 Creating new permanent positions

- 5.1 A departmental head wishing to create a new permanent position in her/his department must submit a written application (**Form 3.4**), via the Director Corporate Services, to the Municipal Manager.
- 5.2 An application for creating a new permanent position must contain the following information:
- (a) Details of the department or section where the post must be created;
 - (b) A full explanation of the functions and responsibilities of the proposed post in accordance with the TASK job evaluation system;
 - (c) An exposition of the need for the post;
 - (d) The alternative solutions that were considered for performing the proposed job duties allocated to the position, including re-organisation of work, rather than creating the position;
 - (e) The reasons why each of the alternatives have been rejected;
 - (f) A full explanation of the estimated costs of the position for the Municipality during the next three years;
 - (g) If provision has not been made in the budget for the proposed position, an indication of the budget vote from which the position will be financed;
 - (h) Whether the position must be full or part-time;
 - (i) Whether the position must be filled on a permanent or fixed term basis.
- 5.3 The Municipal Manager's decision with regard to an application for creating a new permanent position is final.

6 Creating temporary positions

- 6.1 The Municipal Manager may, after consultation with the Director Corporate Services and Director Financial Services and the relevant departmental head, create one or more temporary positions on the establishment.
- 6.2 A temporary position may only be created to deal with a temporary increase in the Municipality's work due to –
- (a) a disaster;

(b) the allocation of money to the Municipality for the continuation or completion of a specific project not provided for in the budget;

(c) a backlog in work;

(d) the seasonal nature of certain tasks; or

(e) special programmes established or managed by the Municipality to combat poverty and unemployment.

6.3 A temporary position ceases to exist when the reason why the position was created ceases to exist and the person occupying that position is released on the day that the position ceases to exist.

6.4 The Municipal Manager's decision with regard to the creation and abolishing of a temporary position is final.

7 Abolishing existing permanent positions

7.1 A departmental head wishing to abolish an existing permanent position in her/his department must submit a written application, via the Director Corporate Services, to the Municipal Manager.

7.2 An application regarding the abolishing of an existing position must state-

(a) The reasons for abolishing the position;

(b) The job code of the post to be abolished;

(c) the measures that must be taken to ensure that functions relating to the position would continue to be performed, if necessary.

7.3 Whenever a position is abolished that is still occupied, the incumbent must be dealt with in terms of this policy.

8 Volunteer workers

8.1 A departmental head may, in consultation with the Municipal Manager and the Director Corporate Services, engage one or more volunteer workers additional to her/his department's establishment, to work in his/her department for the purpose of-

(a) partial fulfilment of the requirements of her/his training or education at another institution; or

- (b) serving as a reservist in any emergency services the Municipality may operate; or
 - (c) serving as a member of any disaster management organisation established by the Municipality.
- 8.2 A volunteer worker may not –
- (a) be remunerated in any way;
 - (b) supervise or approve the work of any employee of the Municipality;
 - (c) be appointed to a position existing in the permanent or temporary staff establishment;
 - (d) investigate, prosecute or preside during any disciplinary enquiry into an employee's alleged misconduct;
 - (e) appraise an employee's performance, whether formally or informally;
 - (f) sign, authorise, authenticate or execute any documents on behalf of the Municipality;
 - (g) Use any municipal vehicles, equipment and other resources without prior consent from their immediate supervisor.
- 8.3 The duration of a volunteer worker's engagement is in the sole discretion of the relevant departmental head but may in any case not exceed three months during any financial year except when a longer period is necessary in respect of a volunteer worker engaged in partial fulfilment of the requirements of her/his training or education at another institution.
- 8.4 A volunteer worker is subject to such conditions of engagement and work place rules relating to attendance, conduct, grievances and work place relations as the Municipality may determine.
- 8.4.1 A volunteer worker permanently and irrevocably alienate and assign without compensation of whatever nature copyright and intellectual property rights in any work produced by her/him that is eligible for copyright during her/his service with the Municipality, to the Municipality.
- 8.5 The termination of a volunteer worker's engagement with the Municipality shall not be construed as a termination based on the Municipality's operational requirements, nor as an unfair or unlawful dismissal. Accordingly a volunteer worker shall not be entitled to any remuneration or compensation, including, but 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.

- 8.6 A volunteer worker does not have and will not develop any expectation at any time of becoming an employee of the Municipality. Specifically no written or oral offer of employment, or undertaking of future employment, whether explicitly or implicitly, directly or indirectly, may be made to a volunteer worker or her/his associates, successors or agents before or at the time of entering into the Municipality's service.