

INTERNAL POLICY

MOHOKARE LOCAL MUNICIPALITY	
SUBJECT: EMPLOYMENT POLICY	POLICY NO:
DIRECTORATE: CORPORATE SERVICES	COUNCIL ITEM:
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1. INTRODUCTION

The human resource management process consists of a variety of sub-processes which provides human resources one. The human resources supply sub-process consists of a series of activities, most of which are addressed in this document.

2. DEFINITIONS

In this policy, unless the context indicates otherwise-

- a) **"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) **"Section 79 Committee"** a committee of the Council under section 79 of the Local Government: Municipal Structures 1998 (Act No. 117 of 1998) introduced the Section 79 Committee to assist;
- c) **"encourage"** the permanent removal of an employee in a position to permanent employment after a job with more responsibilities and / or complex duties in a higher job level and salary in the same or a different department and the employee's displacement may include:
- d) **"demotion"** 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 and the employee's removal may include:
- e) **"department"** means an employee who by the Board under section 56 of the Municipal Systems Act as a department head appointed and who is responsible for managing one or more votes, and includes any person who is lawfully in a department where in general post;
- f) **"establishment"** means the permanent and temporary establishments;
- g) **"quality"** 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,
- h) **"disability"** means any term or recurring physical or mental impairment that the prospects of a person in a position appointed or promoted to materially restrict, obstruct or hinder

- i) **"candidate"** means a job seeker who is selected for the testing procedures to participate and who at the end of the selection process selected for appointment,
- j) **"inspection"** activity aimed at those candidates who appear to be suitable from the variety of job seekers that a vacancy has applied to select for appointment.
- k) **"shortlisting"** selecting a job seeker based on the available information to the selection process for appointment to a specific position to participate.
- l) **"medical examination"** means any test, question, inquiry or other effort for the Municipality to enable to determine whether an employee, job seeker or candidate any medical condition or is suffering;
- m) **"Human resource planning"** activity aimed at ensuring that the Municipality is the optimal number of employees of the required quality at the required time at the designated disposal site.
- n) **"human resources supply"** the range of activities undertaken to ensure that the Municipality continuously employs an optimal number of employees of the required quality of service so that the Municipality's objectives effectively and efficiently be achieved.
- o) **"Municipal Systems Act"** means the Local Government: Municipal Systems 2000 (Act No. 32 of 2000)
- p) **"Municipality"** Mohokare Local Municipality;
- q) **"transfer"** the permanent lateral / horizontal movement of an employee from one position to the permanent establishment to another post the same job level and salary in the same or a different department
- r) **"suitably qualified"** with respect to an employee, job seeker or candidate, either or a combination of the person concerned –
 - (i) formal qualifications;
 - (ii) prior learning experience;
 - (iii) relevant experience, or
 - (iv) ability, within a reasonable period, the ability to work to obtain;
- s) **"permanent establishment"** all positions in the administration that has been created for the normal and routine activities of the Municipality to undertake which employees normally permanently or for a predetermined fixed term

- t) **"accidental / unwanted application"** an application for a job at the municipality received the Municipality without any vacancies advertised, whether there are any vacancies or not, (casual / unsolicited application).
- u) **"Temporary establishment"** all vacancies from time to time in addition to the permanent establishment in the administration created to meet the municipality's temporary and extraordinary needs for additional staff.
- v) **"trade union"** means a union which is party to the "South African Local Government Council bargaining" is.
- w) **"transfer"** the spatial shift of an employee's normal place of work to another site elsewhere in the Municipality; (relocation)
- x) **"employee"** 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.
- y) **"recruitment"** activity aimed at the greatest possible number of suitable job seekers to encourage them to apply for a vacancy advertised
- z) **"Labour Relations Act"** means the Labour Relations Act 1995 (Act No. 66 of 1995); (Labour Relations Act)

3. POLICY ISSUE

- 3.1. The municipality must, under section 152 of the Constitution of the Republic of South Africa 1996, within its financial and administrative capabilities endeavor –
 - a) to provide democratic and accountable government for local communities; to ensure sustainable services to communities provided;
 - b) social and economic development;
 - c) a safe and healthy environment to promote and
 - d) the involvement of communities and community organizations in local government affairs to encourage.
- 3.2. In addition to these objectives, the Municipality, under section 153 of the Constitution –
 - a) its administration, budgeting and planning processes and management structure –

(i) priority to the basic needs of the community is granted, and

(ii) that the social and economic development of the community; and

b) national and provincial development programs.

- 3.3. The Municipality provided through its integrated development plan (IDP) to be taken to the preceding five constitutional goals and the Municipality's development obligations are met and will be maintained. The purpose of the IDP's, among others, to ensure that development in the Municipality deliberately and systematically done and the resources and ability of the municipality in accordance with the implementation of the IDP session. The specific development objectives and priorities through the integrated development planning process, indicate, therefore, the quantity and quality of human resources that the municipality is required, while the quantity and quality of human resources that the municipality at a particular time has determined that the municipality can do.
- 3.4. While the IDP provides what the municipality wants to achieve, determine the performance management system (PMS) to what extent, if at all, this is achieved. The core activity in the performance management process, and the monitoring of key performance indicators (KPIs). KPIs are measures that achieve the Municipality's development priorities and objectives in the IDP outlined, measured. Where the application of the KPIs indicate that certain goals are not achieved or only partially achieved, it is often an indication of lack of ability.
- 3.5. The Municipality's administrative capacity largely from, and determined by the quantitative and qualitative characteristics of its human resources. The core issue for this policy is, therefore, what arrangements need to ensure that the Municipality continuously with the correct number of employees has the required quality and the Municipality's objectives effectively and efficiently achieved.

4. PLANNED RESULTS ("OUTCOME") AND SPECIFIC OBJECTIVES

4.1 The intended outcome of this policy –

To ensure that the Municipality continuously with the correct number of employees of the required quality that has its objectives effectively and efficiently achieved.

4.2 In order for the planned outcome (par 4.1) strives to achieve the Municipality after the following goals:

- a) consistently with the relevant constitutional, statutory and normative requirements;
- b) for consistency and rationality in the municipality's human resources provide activities to promote
- c) the municipality's human resources activities to provide its service delivery programs and objectives to synchronize and reconcile, and
- d) the municipality's human resources activities provide effective and efficient running of.

5. CURRENT STATUTORY FRAMEWORK

5.1 Constitution of the Republic of South Africa

- a) The municipality's human resources provide activities in such a manner to be conducted, that the rights in the Bill of Rights, respect, protect, promote and are realized.
- b) In terms of section 160 (1) (d) of the Constitution, the Council such staff take for the effective performance of the municipality's functions needed.
- c) The human resource supply activities in the municipality which are undertaken, forms an integral part of the municipality's administration, which in turn is part of the public administration part. The human resource supply activities must therefore comply with democratic principles and values contained in the Constitution and especially to the values in section 195 (1) of the Constitution set out.

5.2 Local Government: Municipal Structures 1998 (Act No. 117 of 1998)

The Council under section 82 of the Local Government: Municipal Structures 1998 (Act No. 117 of 1998) a municipal manager and, if necessary, an acting municipal manager appointed. A person appointed as municipal manager, must have the skills and expertise to perform the duties associated with that job.

5.3 Local Government: Municipal Systems 2000

The Municipal Manager is head of the administration, subject to the policy directions of the Board and the "Employment Equity Act 1998" (Act No. 55 of 1998), under section 55 (1)

(e) of the Municipal Systems Act responsible and accountable for the appointment of staff other than managers who reports directly to him / her. According to Article 56 of the Municipal Systems Act, the Council, after consultation with the Municipal Manager, appoints managers who report direct to the Municipal Manager. A person who is a manager who is directly accountable to the Municipal Manager, must possess the skills and expertise needed to perform the duties associated with the particular job to, taking into account the protection or development of persons or categories of persons disadvantaged by unfair discrimination.

Section 57 of the Municipal Systems Act requires that a municipal manager and a manager who is directly accountable to her / him under a written contract be subject to a written performance agreement concluded annually. The minimum content of both employment contracts and performance agreements of municipal managers and managers who direct them accountable is prescribed in the Municipal Systems Act, the Local Government: Municipal Finance Management Act 2003 (Act No. 56 of 2003) and " Local Government: Municipal Performance Regulations for Municipal Managers and Managers directly accountable to Municipal Managers 2006 "(Government Notice Number R.805 of 1 August 2006).

Unless an Act provides otherwise a councilor may, under item 11 of the Rules of Conduct for Councilor's, not –

- interfere in the management or administration of a department unless she / he is authorized by Council;
- give instruction to an employee, or purport to give, except when she / he is authorized to do so;
- prevent an employee to implementation a decision of the Council or a Committee of Council;
- do anything that will cause mismanagement or contribute to, encourage participation.
- An employee may not use his / her position or privileges for personal gain or to improperly influence another person.

5.4 Local Government: Municipal Finance Management Act 2003 (Act No. 56 of 2003)

Pursuant to section 83 of the Local Government: Municipal Finance Management Act, the accounting officer (Municipal Manager), senior managers, the Chief Financial Officer and other financial officials of the Municipality must meet the prescribed financial management competency levels. Section 119 of the Act provides that the accounting officer (Municipal Manager) and all other officers of

the municipality where the supply chain management policy is concerned, comply with the prescribed competency levels.

5.5 Labour Relations Act 1995

Section 5 of the Act prohibits the Municipality of –

- require a job seeker not to be a member of a union or to abandon membership of a union;
- prevent a job seeker any right to practice under the Act or participate in any proceedings under the Act;
- to prejudice a job seeker as a result of –
 - past, present or anticipated membership of a trade union,
 - participation in the establishment of a trade union or federation,
 - participation in the lawful activities of a trade union or federation,
 - failure or refusal to do anything that an employer may not legally require you to do or employee may allow you to do
 - disclosure of information which the employee is legally required to divulge
 - exercise of any right granted under the Act or participate in any proceedings under the Act;
- a job seeker benefit or favor to promise in return for not exercising a right granted under the Act or for not participating in any proceedings under the Act.
- Section 199 of the Labour Relations Act provides that a service contract –
 - may provide that an employee remuneration is paid less than the remuneration provided by a collective agreement or arbitration award;
 - may provide that an employee in a manner treated, or that a benefit to an employee is granted, which is less favorable than the benefits provided by a collective agreement or arbitration award may be prescribed, or
 - the application of any provision of a collective agreement or arbitration award may not be discontinued.

Under item 8 of Schedule 8 (Code of Good Practice: Dismissal) to the Labour Relations Act, the Municipality of a newly appointed employee is required to have a trial period before his / her appointment is confirmed. The purpose of the probationary period gives the municipality an opportunity to evaluate the employee's performance before the appointment is confirmed. The municipality may not use probationary appointment –

→ for purposes not contemplated under the Code, and

→ to deprive employees the status of permanent employment.

The probation period shall be determined in advance and must be of reasonable duration. The duration of the probation period, is determined by the nature of the work and the time taken for the employee's suitability for continued service.

The employee's performance should be assessed at the end of probation. The municipality must give an employee reasonable evaluation, instruction, training, guidance or counseling to enable the employee to allow for satisfactory service. If the municipality finds that the employee's performance is unsatisfactory, the Municipality must inform him / her in advance of the specific ways in which she / he does not meet the required standards.

The municipality may extend the probation period or dismiss an employee only after the municipality invites her / him to make representations and the representations made, considered. The probation period may be extended only with regard to the purpose of probation. The period of extension should be proportionate to the legitimate purpose that the Municipality is trying to achieve. A trade union representative or fellow employee may make representations on behalf of the employee. If the municipality decides to dismiss the employee or the probation period, the Municipality must inform his / her of his / her right to refer the matter to the SALGBC or to the Commission for Conciliation, Mediation and Arbitration proceedings.

5.6 Act, Basic Conditions of Employment 1997 (Act No. 75 of 1997)

Pursuant to section 29 of the Basic Conditions of Employment Act, the Municipality, when an employee begins employment with the employer, the employer must supply him / her with an extensive list of details, in writing. When any of the details contained in the list is changed, the written information must be reviewed to reflect the change and that the employee receives a copy of the document that reflects the changes. If an employee cannot understand the written details, the Municipality must ensure that the changes are explained in a language that he / she understand. The Municipality should keep the written information for a period of three years after employee's termination.

Section 10 of the Basic Conditions of Employment Act prohibits the municipality to require an employee to work overtime, except pursuant to an agreement. An agreement to work overtime that an employee incurred when she / he starts work, or during the first three months of his / her employment, lapses after one year.

5.7 Employment Equity Act" 1998 (Act No. 55 of 1998)

Pursuant to section 6 of the "Employment Equity Act," the Municipality may not directly or indirectly unfairly partake in any employment policy or practice against any employee or applicant which discriminates on any of the following grounds: race, gender, pregnancy, marital status, family responsibility, ethnic or social origin, colour, sexual orientation, age, disability, religion, HIV status, belief, political opinion, culture, language or birth. Affirmative action and distinctions between persons on the basis of the inherent requirements of a job is not unfair discrimination.

Section 7 of the Act prohibits the municipality to require an employee or applicant to undergo a medical test, unless some other law requires or permits, or if it is justified in light of medical facts, employment conditions, social policy, fair allocation of employment benefits or the inherent requirements of the job. Testing of an employee or applicant to determine his / her HIV status is specifically prohibited, unless the Labour Court determined that this is justified. Pursuant to section 8 of the Act, the Municipality may not submit an employee or job seeker to psychometric tests, unless such tests are scientifically proven as reliable and valid, fair to all employees or job seekers and can be applied and not biased against any employee, job seeker or group.

6. RECRUITMENT

The purpose of recruitment is to identify and provide, in a cost effective manner, a pool of job applicants who are potentially qualified to perform a particular job.

6.1. Determining recruitment needs

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

- (c) No position may be filled unless and until –
- (i) the approval of the Municipal Manager had been granted; and
 - (ii) adequate provision has been made in the budget for that appointment.

6.2. Advertising of vacancies

- (a) The Director Corporate Services must, not later than the 25th of each month circulate a list of vacancies amongst departmental heads. Each departmental head 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 departmental head concerned, she/he must submit an application, via the Director Corporate Services (**Form 4.1.2**), to the Municipal Manager in terms of paragraph 6.1.
- (b) Once a departmental head has obtained the approval of the Municipal Manager to fill a vacant position in her/his department, she/he must submit a labour requisition to the Director Corporate Services to advertise the post.
- (c) A completed labour requisition must reach the Director Corporate Services before or on the third working day of each month.
- (d) 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
Temporary elementary positions	Internally and local newspapers elementary positions and local ¹ newspapers
Permanent elementary occupations	
Entry and middle level occupations	
Senior management and Professional occupations	

- (e) The Municipal Manager may, after consultation with the Director Corporate Services and Director Financial Services, appoint a professional recruitment

¹ Local newspapers include both provincial and national newspapers as they are widely distributed in the District

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.

- (f) An advertisement of a vacancy must state-
- (i) The name and location of the Municipality.
 - (ii) A statement that the Municipality subscribes to the principles of employment equity.
 - (iii) The designation of the position that is advertised.
 - (iv) The minimum requirements in terms of skills, expertise and other qualities for appointment.
 - (v) A summary of the key performance areas/primary duties of the position.
 - (vi) A statement that the appointment will be permanent or for a fixed term, and the term (if applicable).
 - (vii) 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.
 - (viii) The name and contact details of the person to whom enquiries may be directed.
 - (ix) A statement that canvassing will disqualify any candidate from being considered for appointment.
 - (x) An indication of the remuneration offered.
 - (xi) The format and content of applications.
 - (xii) The address where, and person to whom, applications must be delivered.
 - (xiii) The closing date for the submission of applications.
 - (xiv) A statement that applications received after the closing date will not be accepted or considered.

(xv) A statement that if an applicant does not hear from the municipality within 30 days his/her application was unsuccessful.

(xvi) A statement that email and faxed applications will not be considered.

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

6.3. Casual applications

(a) 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.

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

7. Selection

(a) A candidate for appointment to the Municipality's service must undergo the Municipality's selection procedures.

(b) 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.

(c) 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.

(d) The Municipal Manager may appoint, subject to the supply chain management policy external service providers to assist with selection.

(e) Medical testing of an employee or a candidate for employment is prohibited, unless-

(i) legislation permits or requires the testing; or

(ii) 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.

- (f) Testing of an employee or an applicant for employment to determine that employee's or applicant's HIV status is prohibited unless such testing is determined justifiable by the Labour Court in terms of section 50(4) of the Employment Equity Act.
- (g) Psychometric testing and other similar assessments of an employee or a candidate for employment are prohibited unless the test or assessment being used-
 - (i) has been scientifically shown to be valid and reliable;
 - (ii) can be applied fairly to employees; and
 - (iii) is not biased against any employee or group

7.1. Compiling of master lists

- (a) 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:
 - (i) the applicant's surname followed by her/his initials
 - (ii) the applicant's sex;
 - (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
- (b) 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.
- (c) 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 Mayor.

- (d) 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.

7.2. Compiling short lists

- (a) The departmental head concerned must 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.
- (b) Short listing must be done in accordance with the following order of preference
 -
 - (i) Internal applicants
 - (ii) Local applicants
 - (iii) Provincial applicants
 - (iv) National applicants
- (c) The relevant departmental head must submit the particulars of the short listed candidates to the Director Corporate Services.

7.3. Notification of short listed candidates of selection proceedings

The Director Corporate Services must notify every candidate whose name has been short listed in terms of paragraph 7.2 of the venue, date and time and nature of the selection proceedings she/he must attend using the most reliable communications methods available.

7.3.1 Conducting of screening tests; Qualifications Check ad Proficiency Tests

7.3.1.1 Applications for appointment must undergo any screening tests required by Mohokare Municipality.

7.3.1.2 Applicants must indemnify Mohokare Municipality in writing against any claims for damage, injury or illness due to any physical tests that they may

be subjected to.

7.3.1.3 The Director Corporate Services must undertake a qualification security check with the relevant educational institutions before an appointment.

7.3.1.4 Depending on the nature of the job, the Director Corporate Services must undertake a Credit Check security check with the relevant Credit Bureaus before an appointment.

7.3.1.5 The Director Corporate Services must undertake a reference security check with the relevant current and previous employers before an appointment.

7.3.1.6 An applicant will be required to provide a written permission to the Mohokare Municipality to undertake all the security checks mentioned above.

7.3.1.7 Applicants take part in all the tests/security checks mentioned above at their own responsibility and Mohokare Municipality undertakes to ensure that all the results of the screening tests are kept confidential.

7.3.1.8 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.

7.3.2 Interviewing in respect of vacancies

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

(b) The Municipal Manager or his designated representative must attend and may participate in any interview for appointing an employee-

(i) on the first level below the level of departmental head;

(ii) as manager directly accountable to her/him; and

(iii) in her/his department/office

(c) The Municipal Manager or the departmental head concerned as the case may be must allow each of the trade unions to designate a representative to attend and observe any interview.

- (d) The departmental head concerned, or if the interview concerns the appointment of a Municipal Manager or a manager directly accountable to the Municipal Manager, the Mayor and a Councilor responsible for Corporate Services, must draw up a list of questions relating directly to the job concerned, to be asked during the interview and a score sheet and such questions and score sheets to all persons who would be involved in the interview.
- (e) Completed score sheets must be kept in safe storage for a period of at least six months after an appointment decision has been made.

7.3.3 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.

8. APPOINTMENT

- (a) The appointment of an applicant may take place only in accordance with the requirements of the post concerned and the merit of the applicant.
- (b) The Council, Municipal Manager or the relevant departmental head, 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), 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 –
 - (i) formal qualifications;
 - (ii) prior learning;
 - (iii) relevant experience; or
 - (iv) capacity to acquire, within a reasonable time, the ability to do the job.

8.1 Appointment for a fixed term

- (a) A person appointed as –
 - (i) Municipal Manager, and

- (ii) personal assistant, policy advisor, bodyguard or driver to any political office-bearer or other councilor of the Municipality, may be appointed to that position only -
 - ➔ in terms of a written employment contract with the Municipality; and
 - ➔ subject to a separate performance agreement being concluded annually on or before 31 July each year.
- (b) The employment contract of a person appointed for a fixed term must include, subject to applicable labour legislation, details of –
 - (i) the duties, remuneration, benefits and other terms and conditions of employment of the employee;
 - (ii) 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. In cases of all appointments of staff in the offices of political office-bearers all requirements pertaining to advertising may be waived by the Municipal Manager after consultation with the specific political office-bearer.
 - (iii) include a provision for cancellation of the contract, in the case of non-compliance with the employment contract or the performance agreement;
 - (iv) stipulate the terms of the renewal of the employment contract, but only by agreement between the parties; and
 - (v) 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.
- (c) 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 province within thirty days after signing of the performance agreements.

8.2 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
- (e) is subject to the attendance requirements, rules of conduct and grievance procedures in terms of the Municipality's conditions of service.
- (f) May not be appointed for a period exceeding six (6) months and may not be appointed for a consecutive period of six (6) months.

8.3 Appointment of temporary employees in permanent positions

- (a) A departmental head 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-
 - i. the position is vacant and is likely to remain vacant for a significant period; or

- ii. the incumbent of that position is or will be absent from work for a prolonged period (30 days or more).

(b) A person appointed in terms of par (a) –

- (i) is appointed on the lowest notch of the salary scale applicable to the position;
- (ii) is appointed for a maximum period of 12 months;
- (iii) may not receive any housing and travelling benefits;
- (iv) may not become a member of a retirement fund or medical aid scheme to which the Municipality must contribute;
- (v) earns leave in terms of the relevant collective agreement; and
- (vi) is subject to the attendance requirements, rules of conduct and grievance procedures in terms of the Municipality's conditions of service.

(c) 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-

- (i) the date on which the person's employment with the Municipality commences;
- (ii) 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;
- (iii) that there is no expectation that the person's employment will be renewed or extended beyond the term referred to in (ii);
- (iv) 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;
- (v) 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.

8.4 Appointment of personnel in the office of any councillor

- (a) Only a full-time political office-bearer is entitled to one or more employees being assigned to her/him.
- (b) Any position created with the sole purpose of providing administrative support to a councillor, is created in the department responsible for corporate services.
- (c) The creation of positions in the offices of Councillors is done in the manner determined in this Manual.
- (d) Any person employed in a post contemplated in par (c) 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 councillor to whom the employee had been assigned, ceases to be a councillor, political office-bearer or a full-time councillor of the Municipality, whichever event happens first.
- (e) Notwithstanding any provision to the contrary contained in this Manual the appointment of employees in the office of a political office bearer will be done by the political office bearer concerned. The appointment of such employee is within the sole discretion of the political office bearer within whose office the appointment will be made and can be done without following advertisement and selection processes outlined in this policy.

8.5 Appointment of replacement labour in the event of a strike

- (a) 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 departmental heads 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.
- (b) 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 –
 - (i) 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

- (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. 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.
- (c) Replacement labour is appointed to the positions of employees who are on strike.
- (d) Replacement labour must perform the functions of the striking workers.
- (e) Replacement labour is paid per hour worked at the hourly pay rate of the employee whose work she/he has been doing.

8.6 Appointment of unskilled workers

Notwithstanding any provision of this policy, the Municipal Manager or his/her proxy may deviate from the provision of this policy on recruitment, selections and appointments. The Municipal Manager or his/her proxy may appoint/select and appoint employees by the drawing of lots, provided that the following are met:

- The position/vacancy require no literacy or numeracy skills;
- There is a possibility that the number of applicants may be so overwhelming that the objective process of formal recruitment and selection becomes impossible or redundant;
- No formal criteria can be determined on the other skills required for the job(s).

When the Municipal Manager exercises his/her authority to deviate from the formal processes outlined above, he/she must make sure that the manner to inform the public about the vacancy and the method of application reaches as many people as possible. These methods include, but are not limited to placing adverts at a number of public facilities utilized by the majority of residents; announcements by loudhailers or through public meetings. The drawing of lots must be done in public and at least two employees of the municipality or at least one official designated by the Municipal Manager and one Councilor must be present when this is done.

The Director Corporate Services must maintain a record of all instances where such methods were utilized. This record must at least contain information about the designation of the job/vacancy; the date of the notice to the public; method utilized; the names of

municipal representatives who were present as mentioned above and the names of individuals appointed.

9. ISSUING OF NOTICES OF APPOINTMENT, TRANSFER, PROMOTION AND DEMOTION AND JOB OFFERS

9.1 Only the Director Corporate Services may-

- (a) 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;
- (b) notify an employee of her/his transfer, promotion, demotion or dismissal;
- (c) notify an employee that she/he successfully completed her/his period of probation or that her/his period of probation has been extended;
- (d) notify an employee of any change in her/his particulars of employment; and
- (e) 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. PROMOTION

10.1 The purpose of promoting employees is-

- (a) to enhance career advancement of employees;
- (b) to sustain productivity;
- (c) to minimise the effects of job poaching and job hopping by creating a work environment in which employees are aware that there are prospects for advancement; and
- (d) to accelerate the career development of persons from designated groups.

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 promoted.

- 10.3 An employee may only be promoted if a vacant position at a higher grading exists and that position has been designated a promotion position.
- 10.4 An employee may only be promoted if she/he is suitably qualified for the position in question and has been in his/her current position for at least 12 calendar months.
- 10.5 Whenever an employee is being considered for promotion, the person considering the matter must consider the candidate's employment history at the Municipality, provided that during such assessment it may not consider-
 - (a) a penalty for misconduct that has expired; or
 - (b) any disciplinary charges brought against the employee on which the employee was found not guilty; or
 - (c) the fact that the employee objected to, or appealed against, any performance appraisal or outcome of a disciplinary enquiry.
- 10.6 An employee's promotion becomes operative on the first day of the month following the month during which she/he was promoted.
- 10.7 An employee who has been promoted is appointed on the first notch of the salary scale relevant to the position in which she/he has been appointed, or receives an increase of at least one notch, whichever is the greater amount.
- 10.8 The date on which an employee has been promoted becomes the date on which the employee will in future receive notch increases.
- 10.9 An employee who has been promoted may not be appointed on probation.

11. TRANSFER

- 11.1 The purpose of transferring employees is-
 - (a) to ensure that employees are utilized for the purposes of meeting the Municipality's human resources needs;
 - (b) to enhance career advancement prospects of employees; and
 - (c) 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.

- 11.2 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.
- 11.3 An employee may not be transferred from one position to another unless-
- (a) a vacant position on the same level exists;
 - (b) the employee agrees to such transfer; and
 - (c) the transfer is intended to avoid the employee's dismissal:
 - (i) for incapacity due to illness or injury or poor work performance; or
 - (ii) due to the Municipality's operational requirements.

12. DEMOTION

- 12.1 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.
- 12.2 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.

13. DIFFERENCES ABOUT APPOINTMENT, TRANSFERS AND PROMOTIONS

- 13.1 Whenever there is a difference between two or more departmental heads regarding the appointment, promotion, 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 departmental heads, the matter must be submitted to the Municipal Manager for a decision.
- 13.2 The decision of the Municipal Manager in the matter is final.

14. REPORTING ABOUT APPOINTMENTS AND DISMISSALS

- 14.1 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.
- 14.2 An exit interview must be conducted for each employee that terminates his services voluntarily for whatever reason with the municipality

15. APPOINTMENT ON PROBATION

- 15.1 Any permanent employee who is newly appointed must be appointed on probation.
- 15.2 The appointing authority must determine the period of probation at the time of making the appointment having regard for the inherent requirements of the position concerned.
- 15.3 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.
- 15.4 The probation period required for any employee may not be extended unless paragraph 15.2 has been complied with.
- 15.5 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.

16. PARTICULARS OF APPOINTMENT

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

(c) 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.