

RECRUITMENT, SELECTION AND PLACEMENT POLICY – 2015 REVISION

1. DEFINITIONS

In this policy, unless the context **indicates otherwise** -

- (a) “**Municipal Council or Council**” means the council of the City of Matlosana Local Municipality and any person or body delegated by it in writing.
- (b) “**Manager**” means a head of any department or one (or more) unit/s, and may include Deputy Directors and Assistant Directors.
- (c) “**Municipal Manager**” means the person appointed as municipal manager in terms of section 82 (1) (a) of the Local Government: Municipal Structures Act 1998 and includes any person/s acting in her/his stead and any employee of the municipality to whom she/he has delegated a power in writing.
- (d) “**Partner**” in relation to a councilor or employee, includes a **business** partner and a **life** partner.
- (e) “**Reporting level**” means the level in the hierarchy of the administration on which a post is located for the purposes of reporting and accountability.
- (f) “**Senior Manager**” means a manager directly accountable to the municipal manager.

2. GENERALLY PROHIBITED PRACTICES REGARDING EMPLOYEES AND PERSONS SEEKING EMPLOYMENT

Nobody may unfairly, directly or indirectly, discriminate against an employee or a person seeking employment on any ground/s listed below where the discrimination based on such ground/s causes or perpetuates systemic disadvantage, undermines human dignity or adversely affects the equal enjoyment of a person’s rights and freedoms in a manner that is comparable to discrimination on a listed prohibited ground, namely:

Race	Colour	Culture
Gender	Sexual	Language
Sex	Orientation	Birth
Pregnancy	Age	Family responsibility
Marital status	Disability	HIV status

Ethic origin
Social origin
Creed

Religion
Conscience

Political opinion
Political affiliation

Belief

No councilor or employee may publish, propagate, advocate or communicate words in any manner based on one or more of the prohibited grounds, regarding any employee or person seeking employment that could reasonably be construed to demonstrate a clear intention to –

- (a) be hurtful;
- (b) be harmful or to incite harm;
- (c) promote or propagate hatred.

No councilor or employee may harass an employee or person seeking employment.

No person may be appointed to the municipality's service unless-

- (a) a vacant post exists into which such person may be appointed, or
- (b) such post has been evaluated and its post level determined in terms of the applicable job evaluation system, except in the case of the position of Municipal Manager.

No person may assume her/his duties as an employee of the municipality until and unless –

- (a) a written employment contract has been entered into with her/him if she/he was appointed for a fixed term, or
- (b) the particulars of her/his appointment as contemplated in section 29 of the Basic Conditions of Employment Act 1997 has been supplied to her/him.

An employee who expresses interest in another position within the municipality will not jeopardize his/her current position or career prospects with the municipality.

3. GENERAL REGULATIONS AND PERSON/S WHO MAY NOT BE APPOINTED

3.1 When the post of a senior manager or municipal manager becomes vacant, or is due to become vacant, the mayor, in the case of a municipal

manager, or the municipal manager, in the case of a manager directly accountable to the municipal manager, must, upon receipt of official notification that the post of a senior manager will become vacant, obtain approval for the filling of such post in its next council meeting or as soon as it is reasonably possible to do so.

A vacant senior manager post may not be filled, unless -

- approval to fill the post has been granted by the municipal council, and
- the post has been budgeted for.

Notwithstanding this regulation, the speaker may convene a special meeting to obtain municipal council approval for the filling of a senior manager post.

3.2 No person may be appointed as a senior manager on a fixed term contract, on a permanent basis or on probation, to any post on the approved staff establishment of the municipality, unless she or he –

- is a South African citizen or permanent resident, and
- possesses the relevant competencies, qualifications, experience and knowledge as set out in Annexures A and B of the regulations published in Government Gazette No. 37245 of 17 January 2014 under the heading "Local Government: Municipal Systems Act (32/2000): Local Government: Regulations on appointment and conditions of employment of senior managers", pp. 24 to 42. (Full details available online at the website www.gpwonline.co.za).

An appointment may not take effect before the first day of the month following the month during which the municipal council approved the appointment.

3.3 No person other than a senior manager or municipal manager may be appointed to a vacancy in the municipality's service-

- (a) unless she/he is a South African citizen, or has permanent resident status or a valid work permit (all attempts must be made to give preference to South African citizens);
- (b) unless she/he is proficient in two official languages, one of which must be English, if she/he is an office worker or will occupy a position requiring her/him to communicate with members of the public on a regular basis;
- (c) unless she/he is 18 years of age or older;
- (d) If she/he has reached the age of 65 years, unless such appointment is approved by *council* resolution;

- (e) if she/he, directly or indirectly, approaches or canvasses a councilor or employee with a view to securing that councilor or employee's vote or support in favor of her/his appointment;
- (f) if she/he offers to perform the duties attached to the position for which she/he is or may be a candidate for less than the remuneration that the municipality ordinarily offers;
- (g) if she/he is a member of Parliament or provincial legislature or was a councilor of the municipality during the six months immediately preceding the appointment;
- (h) if she/he is owing monies to Council for municipal services rendered for a period exceeding 90 days,
- (i) unless she/he has the educational, experiential and other attributes determined for the post concerned (i.e. she/he is suitably qualified and experienced for the job), provided that the person who does not have such educational, experiential and other attributes when the appointment is made, may not be appointed on a higher salary scale than the minimum scale applying to the position in question, neither may she/he progress in such a salary scale until such time as she/he complies with those requirements. A person is deemed to be suitably qualified for the job as a result of any one of, or any combination of that person's -
 - (1) formal qualifications;
 - (2) prior learning;
 - (3) relevant previous work experience; or
 - (4) capacity to acquire, within a reasonable time, the ability to do a job.
- (j) unless she/he, when applying for appointment in a position -

in the financial department, has been found guilty in a court of law or during any disciplinary enquiry at a previous employer of any financial impropriety, including but not limited to theft, fraud, mismanagement of public funds and embezzlement, or

where she/he will be required to authorize purchases on behalf of the municipality or is to be appointed in a position where the duties could involve the exchange of Council property for personal gain, has been found guilty in a court of law or during any disciplinary enquiry at a previous employer of corruption or bribery.

4 POWER TO APPOINT

The council must, taking into account the protection or advancement of persons or categories of persons disadvantaged by previous unfair discrimination, appoint a person:

As municipal manager who is the head of administration and also the Accounting Officer for the municipality; and

As a manager directly accountable to the municipal manager, after prior consultation with the Executive Mayor. A person appointed as manager directly accountable to the municipal manager must have the relevant skills and expertise to perform the duties associated with the post in question (*also see section 3.2 above*), taking into account the protection or advancement of persons or categories of persons disadvantaged by unfair discrimination *of the past*.

The remuneration, benefits or the conditions of service of the municipal manager and managers directly accountable to the municipal manager are to be determined in line with the regulations on Upper Limits of Total Remuneration payable to Municipal Managers and Managers directly accountable to Municipal Managers, issued in terms of the Municipal Systems Amendment Act, and published under Government Notice No. 225 in Government Gazette No. 37500 of 24 March 2014.

The municipal manager shall, in terms of the provisions of section 55(1) (e) of the Local Government: Municipal Systems Act 2000, appoint staff other than those mentioned in par 3.1 of the said Act, subject to this policy and the provisions of the Employment Equity Act 1998, provided that the municipal manager may appoint a person as a personal assistant, secretary, advisor or driver of a councilor only after consultation with such councilor.

Departmental or Section Managers have the responsibility to establish a business need for positions that have become or are vacant, to be advertised for the purpose of filling. Line Managers are also responsible to ensure that the Employment Equity Plan is adhered to.

5. ETHICS OF EMPLOYMENT

5.1 Whenever the municipal manager must make an appointment and a candidate for appointment is a family member, business associate or partner of the municipal manager, the municipal manager must recuse her/him from any proceedings where such appointment is considered. The municipal manager must appoint the director from the relevant division and another director to consider such an appointment.

- 5.2 Employment of immediate family members and relatives of employees in an unfair or unjust manner must be avoided.
- 5.3 No employee may participate in any employment decision which may in any manner affect an immediate family member or relative.
- 5.4 No employee may be appointed in such a manner that she/he would supervise or be subordinate to an immediate family member or relative.
- 5.5 Whenever a family member or relative of an employee applies for a vacant position, the manager responsible for Human Resources Management must point out the content of this policy to the parties involved, including to the person or persons who must make the appointment.

6. RECRUITMENT PROCESS

6.1 Determining recruitment needs in respect of staff other than senior managers or municipal manager:

- (a) The relevant director or manager of a department or section/s determines the need to recruit candidates for employment in her/his division/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, the director or manager concerned must submit a report via the manager responsible for Human Resources Management to the municipal manager stating the reasons why the position should be filled.
- (c) No position may be *advertised or filled* unless and until the approval of the Municipal Manager has been obtained in writing.
- (d) No positions will be filled unless they are budgeted for.

6.2 Determining recruitment needs in respect of managers directly accountable to the Municipal Manager:

The Council determines the need to recruit candidates for employment such as municipal manager and/or manager/s directly accountable to the municipal manager, with due regard for the numerical goals stated in the municipality's employment equity plan.

6.3 Advertising of vacancies – posts other than that of municipal manager and senior managers:

- (a) The manager responsible for Human Resources Management must, not later than the 25th of each month circulate a list of vacancies amongst departmental heads. Each Director or Manager must indicate whether any such vacancies as may exist in her/his department must be filled or not. If a vacant position must be filled in the opinion of the Director or Manager concerned, she/he must submit an application, in terms of par 5.1 via the manager responsible for Human Resources Management to the Municipal Manager.
- (b) Once a Director or Manager has obtained the approval of the Municipal Manager to fill a vacant position in her/his department, she/he must submit a labour requisition form to the manager responsible for Human Resources Management to advertise the post.
- (c) A completed labour requisition (“*yellow form*”) form must reach the manager responsible for Human Resources Management before or on the third working day of each month. The form must include proof that the vacant post is budgeted for and vacant.
- (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 2000, as follows:

Nature of post	Advertising medium
Temporary elementary positions	Internally, local public notice boards and local newspaper
Permanent elementary occupations	Internally only
Entry and middle level occupations	Internally, local notice boards and local newspaper
Senior management, <i>management</i> and professional occupations, and <i>scarce skills</i>	Internally, provincial (where applicable) and national newspapers (City Press and Rapport)

Vacancies advertised internally will have a closing date of one week after placement of the advertisement, and vacancies advertised externally will have a closing date of two weeks after the date of placement of the advertisement.

- (e) The municipal manager, after consultation with the manager responsible for Human Resources Management and the manager responsible for Financial Management, may appoint a professional recruitment agency in respect of recruitment of senior management and professional

occupations, in terms of the policies and legislation governing the procurement of services by the municipality.

- (f) An advertisement, *generally*, of a vacancy must state:
- i. The identity/name and location of the municipality.
 - ii. A statement that the municipality subscribes to the principles of employment equity as well as the promotion of employment of persons with disabilities. Advertisements may refer to specifically targeted groups for the purpose of Employment Equity.
 - iii. The designation/job title of the position that is advertised.
 - iv. The minimum requirement/s in terms of skills, expertise and other requirements for appointment.
 - v. A summary of the key performance areas/primary duties of the position.
 - vi. A statement that the appointment would be permanent or a fixed term appointment, 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 would be subject to the conclusion with the municipality of an annual performance agreement.
 - viii. An indication of the remuneration and other benefits offered;
 - ix. The format and content of applications.
 - x. The address where, and person to whom, applications must be delivered by hand or mailed.
 - xi. The closing date of the submission of applications.
 - xii. A statement that applications received by fax or email or after the closing date would not be accepted or considered.
 - xiii. The name and contact details of the person/s to whom enquiries may be directed.
 - xiv. A statement that canvassing will disqualify any candidate from being considered for appointment.

- xv. A statement that, should it be discovered at any time after a candidate has been appointed, that she/he has misrepresented her/him to the municipality, her/his employment contract would be regarded as null and void.
- xvi. A statement requiring an applicant to state the names and contact details of at least three references and that, by disclosing their names the applicant consents to the municipality making enquiries about the application with those references.
- xvii. In case where it may be warranted, a statement that the applicant's record with regard to dishonesty, in whatever form, will be investigated.
- xviii. A statement to the effect that reasons for termination of service with previous employers and prior criminal offences will be investigated.
- xix. A statement to the effect that the municipality may, under certain circumstances, consider assisting a successful candidate financially in the event that she/he has to relocate a distance of more than 50 kilometers, subject to a period of employment of at least 12 months.
- xx. A statement indicating that a candidate who is offered employment but declines the offer, may be held accountable for the costs of re-advertising the same position.
- xxi. A statement to the effect that costs incurred for the purpose of attending a job interview, will be for the candidate's own account, and
- xxii. If the appointment is of a temporary nature, the reason/s for this being the case. (*This requirement is specifically important in the light of changes in labour legislation during late 2014*).

6.4 Advertising of vacant posts of senior manager and/or municipal manager:

The municipal manager must, in respect of a vacant senior manager post, or the council, in respect of the post of municipal manager, within 14 days of receipt of the approval to fill a vacant senior manager post, ensure that the vacant post is advertised.

A vacant senior manager or municipal manager post must be advertised in a newspaper circulating nationally and in the province where the municipality is located.

The advertisement must specify the:

- (a) job title
- (b) term of employment
- (c) place to be stationed
- (d) annual total remuneration package
- (e) competency requirements of the post, including minimum qualifications and experience required
- (f) core functions
- (g) need for signing of a performance contract, a performance agreement and disclosure of financial interest/s
- (h) need to undergo security vetting
- (i) contact person
- (k) closing date, which must be at least 14 days from the date that the advertisement appears in the newspaper/s but not more than 30 days after such date.

A municipality may utilize a recruitment agency to identify (possible) candidates for vacant posts, provided that the advertising, recruitment and selection procedures of the said agency comply with the regulations stated above.

The mayor, in the case of a municipal manager, or the municipal manager, in the case of a manager directly accountable to the municipal manager, must provide monthly reports to the executive committee regarding progress on the filling of such posts as stated.

6.5 Casual applications

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.

6.6 Application forms

- (a) The municipality does not prescribe to a standardized application form for use by applicants for non-managerial posts. However, for the purpose of senior and other levels of management, applicants are required to also submit a prescribed application form together with their complete Curriculum Vitae's. This application form must be placed on the municipality's website, and is also available online at www.gpwonline.co.za, p.p. 43 and 44 of Government Gazette No. 37245 of 17 January 2014.
- (b) No applications that are not supported by a complete curriculum vitae will be considered.

- (c) Curriculum Vitae's received without a clear indication of the vacant position being applied for, will not be considered.
- (d) A separate Curriculum Vitae must accompany each application for a vacant position.
- (e) Curriculum Vitae's submitted by applicants become the property of the municipality and will not be returned to applicants under any circumstances.
- (f) Curriculum Vitae's of unsuccessful candidates will be kept for a period of two (2) years and then destroyed.

7. SELECTION

- (a) A candidate for appointment to the municipality's service must subject her/him to the municipality's selection processes and procedures.
- (b) The municipality relies on interviews and relevant psychometric, proficiency and physical tests (as applicable) as selection techniques.
- (c) Medical testing of an employee and 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 the job.
- (d) 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.
- (e) Psychometric testing and other similar assessment of an employee or a candidate for employment is prohibited unless the test or assessment being used -
 - i. Has been scientifically shown to be valid and reliable;
 - ii. Can be applied fairly to all candidates/employees; and
 - iii. Is not biased against any candidate/employee or group.

7.1 Compiling of long/master lists

- (a) After the closing date of an advertisement, all the applications received for a vacant position is captured in the long/master list compiled by the manager responsible for Human Resources Management. The long list must 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 group;
 - iv. The place of residence of the applicant;
 - v. the applicant's qualifications and experience relevant to the job description and specification and
 - vi. if applicable, the nature of an applicant's disability.
- (b) The manager responsible for Employment Equity must ensure that effect is given to the municipality's Employment Equity Plan and that affirmative action candidates are actively recruited into the municipality.

7.2 Compiling a shortlist

- (a) The selection panel (panel responsible for shortlisting and interviewing) in respect of posts other than that of municipal manager or senior manager, will be made up of the following persons:
- The relevant Director; or her/his appointed designate;
 - A maximum of two (2) other Deputy or Assistant Directors (or their duly appointed designate/s) from the same Division, who is knowledgeable of the position to be filled;
 - One (1) Deputy or Assistant Director from another Division (or their duly appointed designate/s);
 - Any specialist and/or senior technical employee (e.g. supervisor or foreman) in the case where technical and/or specialized posts are to be shortlisted for;
 - One representative from each of the recognized labour unions for the purpose of observing the recruitment process, and

- Human Resources Recruitment Unit official to facilitate and provide administrative support for the recruitment process.

No political office-bearers are to be involved in the selection process at any time, apart from the requirements of sub-section (f) below.

- (b) The relevant Director or the her/his appointed designate, as the case may be, must select from the long/master list not more than 6 applicants per vacancy, who in her/his opinion would be the most suitable candidates to be subjected to the selection process.
- (c) Shortlisting must be done in accordance with the following order of preference -
 - i. Suitably qualified and experienced applicants from the Staff Succession Planning Programme (refer to Training and Development Policy)
 - ii. Other suitably qualified and experienced internal candidates
 - iii. Applicants residing within the municipal area
 - iv. Applicants residing within the Province
 - v. Other applicants.
- (d) The Manager responsible for Human Resources Management must, during the compilation of the short list, establish the validity and/or accuracy of any certificates, diplomas and other information supplied by the shortlisted candidate/s.
- (e) The manager responsible for Human Resources Management must, in consultation with the mayor or the municipal manager, as the case may be, determine the date or dates and venue for conducting interviews with the chosen candidates and informs the candidates accordingly.
- (f) The selection panel (responsible for shortlisting and interviewing) in respect of the posts of municipal manager and/or senior manager, will be made up of the following persons:
 - For the vacant post of municipal manager, a minimum of 3 but no more than five panel members, which must include the mayor, who will also be the chairperson, a councillor designated by the council, and at least one other person who is not a councillor or a staff

member of the municipality, but who has expertise or experience in the area of the advertised post.

- For the vacant post of manager directly accountable to the municipal manager, at least 3 but not more than 5 members, including the municipal manager, who will be the chairperson, a member of the mayoral committee or councillor who is the head of the particular portfolio, and at least one other person who is not a councillor or an employee of the municipality, but who has expertise or experience in the area of the advertised post.
- The selection panel/s must be appointed by council to make recommendations for the appointment of candidates to vacant senior manager posts, and must be guided in this process by the nature of the post, the gender balance of the panel, and the skills, expertise, experience and availability of the persons to be involved.
- Panel members must disclose any interest or relationship with shortlisted candidates, and must recuse her/himself from the panel proceedings if:
 - His or her spouse, partner, close family member or close friend has been shortlisted, the panel member has some form of indebtedness to a shortlisted candidate, or he/she has any other conflict of interest.

7.3 Conducting of competency assessment and/or proficiency tests.

- (a) Applicants for appointment must undergo any psychometric, proficiency and physical tests required by the municipality.
- (b) Such tests must be directly related to the requirements of a post for which such tests are conducted, e.g. a typing test for a secretary post, or a wiring assignment in the case of applicants for the post of electrician, etc.
- (c) Applicants must indemnify the municipality in writing against any claims for damage, injury or illness due to any physical tests that they may be subjected to.
- (d) Applicants take part in all tests at their own responsibility.
- (e) The results of any screening test are strictly confidential.

- (f) With regard to the posts of municipal manager and senior managers directly accountable to the municipal manager, any candidate/s recommended for appointment must undergo a competency assessment. Such competency assessment must be applied fairly and must not be biased against any person or group of persons. The municipality must, in its short-term budget, provide for the costs of such competency assessment and testing. Alternatively, a municipality encountering cash flow problems may apply to the LGSETA to make use of discretionary grants with which to fund such competency assessment or test/s.

7.4 Conducting of pre-employment vetting.

- (a) Pre-employment vetting of shortlisted candidates must be conducted within 21 days of the date of finalization of the shortlisting.
- (b) Vetting must include checking references of previous and current employers, determining the validity of a candidate's qualifications, and determining whether a shortlisted candidate has been dismissed previously for misconduct or poor work performance. Criminal and credit history may also be checked.
- (c) A report on the outcomes of the vetting process must be submitted to the municipal manager as part of the shortlisting report produced by Human Resources Recruitment Unit.
- (d) Vetting of shortlisted candidates is required for all management and senior specialist posts, as well as all Financial Services posts to be filled.

7.5 Interviewing in respect of vacancies.

- (a) The selection panel must conduct interviews for all vacant shortlisted positions.
- (b) The selection panel for the purposes of conducting interviews, shall as far as possible, consist of the same persons constituting the panel responsible for shortlisting.
- (c) The municipal manager must attend and may participate in any interview for appointing an employee-
 - i. On the second reporting level of any division or department (i.e. on the Deputy Director level);
 - ii. As manager directly accountable to her/him; and

- iii. In her/his own department/office.
- (d) The municipal manager or the director (or their duly appointed designate/s) concerned may allow a trade union who is party to the bargaining council to designate a trade union representative to sit in and observe any interview.
- (e) The selection panel concerned, or if the interview concerns the appointment of a municipal manager, the mayor, must draw up a list of questions at the sitting of the selection panel relating directly to the job concerned, to be asked during the interview and a score sheet and submit same to all persons who would be involved in the interview for the purpose of scoring each candidate's responses to the questions posed.
- (f) All candidates are required to sign an attendance register at the time of the interview.
- (g) The scoring system to be used in the interview must be clarified with all panel members and the marks out of which each question will be scored, must be included with the questions.
- (h) All candidates must be asked the same questions during the interview, so as to ensure procedural fairness.
- (i) Consolidation of scoring by individual panel members must be finalized directly after the conclusion of the interviews.
- (j) All panel members are required to sign the form "Declaration of Confidentiality" which will be made available by the Recruitment Unit official who provides administrative assistance during the recruitment process.
- (k) The selection panel must recommend only one candidate for appointment in each vacant post, but it may also be considered good practice to recommend a second or third candidate should the first candidate decline or not accept the offer of employment.
- (l) As a general rule, the candidate who scores the highest aggregate of scores should be the first nominated person, the one scoring second highest should be the person recommended as second best candidate, and so forth.

7,6 Re-advertisement of a post

If no suitable candidate has been identified, the selection panel must note this fact on the scoring summary sheet when the interviewing has been finalized.

In this case, a new yellow form will not be required for re-advertising such post.

7.7 Re-employment of dismissed persons

A person who has been dismissed for misconduct in a municipality may not be employed as a municipal manager or senior manager directly accountable to the municipal manager, and may not be employed as a municipal manager or senior manager in any other municipality before the expiry of the period as in Schedule 2 of the stated Government Gazette No. 37245 of 17 January 2014, page 23.

A municipality must maintain a record of staff members dismissed for misconduct and staff members who resigned prior to the finalization of any disciplinary proceedings, and such record must include the following information:

- The name and surname of the staff member
- The name of the municipality
- The title or name of the post occupied
- The nature of the misconduct.

8. APPOINTMENT

8.1 Appointment on a fixed term.

- (a) A person appointed as municipal manager, manager directly accountable to the municipal manager and personal assistant, secretary, policy advisor, bodyguard or driver to any political office-bearer or other councilor of the municipality, may be appointed to that position only -
 - i. In terms of a written employment contract with the municipality
 - ii. Subject to a separate performance agreement concluded annually.
- (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. The fixed term of employment which 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 councilor must expire if that office-bearer ceases to hold that office.
 - iii. The cancellation of the contract, in the case of non-compliance with the employment contract or the performance agreement;
 - iv. The terms of the renewal of the employment contract, but only by agreement between the parties; and
 - v. 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 performance agreement of the municipal manager, manager directly accountable to the municipal manager and personal assistant, secretary, policy advisor, bodyguard or driver to any political office-bearer or other councilor of the municipality must be concluded within a reasonable time after a person has been appointed and, thereafter, within one month after the beginning of the financial year of the municipality and must include-
- (i) The performance objectives and targets that must be met. 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.

8.2 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 traveling benefits;
- (iii) may not become a member of a retirement fund or medical aid scheme to which the municipality must contribute;
- (iv) earns holiday and sick leave in terms of the Basic Conditions of Employment Act 1997;
- (v) is subject to the rules for attendance, rules of conduct, disciplinary and grievance procedures prescribed in the municipality's conditions of service, and
- (vi) appointment to a temporary position is subject to the changes in terms of Labour Law as prescribed in the Labour Relations Amendment Act, 2014.

8.3 Appointment of temporary employees in permanent positions.

A Director may, with the approval of the municipal manager, and after consultation with the managers responsible for Human Resource Management and Financial Management, appoint a person who is not an employee and who is 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.

A person appointed in terms of par 8.3

- (i) is appointed on the lowest notch of the salary scale applicable to the position;
- (ii) may not receive any housing and traveling benefits;
- (iii) may not become a member of a retirement fund or medical aid scheme to which the municipality's condition must contribute;
- (iv) earns holiday and sick leave in terms of the Basic Conditions of Employment Act 1997; and
- (v) is subject to the rules on attendance, rules of conduct and the disciplinary and grievance procedures prescribed in the municipality's conditions of service.

Whenever a person in a temporary capacity is appointed in a permanent position, 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) when 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) above;
- (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 termination based on an employer's operational requirements.

8.4 Appointment of personnel in the office of any councilor.

- (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 councilor, is created in the division responsible for Corporate Services.
- (c) The creation of positions in the offices of councilors is done in the manner determined in this policy.
- (d) Any person employed in a post contemplated in par. 8.5 (c) must be appointed in terms of a written fixed term contract entered into with the Municipal Manager.

- (e) 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 full-time councilor of the municipality, whichever event happens first.

8.5 Appointment of replacement labour in the event of a strike.

- (a) The municipal manager may, after consultation with the relevant Director, employ replacement labour during a strike in terms of, and consistent with, section 76 of the Labour Relations Act 1995.
- (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;
 - (ii) the services of the employee will terminate immediately when the regular employees of the municipality return to work;
 - (iii) 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;
 - (iv) 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 perform the functions of the striking workers;
- (e) Replacement labour is paid per hour worked at the hourly rate of the employee whose work she/ he has been doing.

9. APPOINTMENT ON PROBATION

- (a) Any person who is appointed, except a temporary employee that is appointed for a period not exceeding six months, must be appointed on probation.
- (b) The municipal manager must determine the period of probation at the time of making the appointment having regard for the inherent requirements of the post, provided that no period of probation, except that of a person appointed as chief financial officer, may be longer than six months;
- (c) Two probation periods, i.e. the first after three (3) and the second after five (5) months, are in effect in the municipality. Possible actions after conclusion of the five (5) month probation period, may lead to:
 - (i) permanent appointment is confirmed in writing, or
 - (ii) the probation period is extended for a further period not exceeding six (6) months, during which the employee must be assisted with further training and/or hands-on support in order to become proficient in the job.

In the case where (ii) above results in no further improvement, the probation period must be terminated and reasons therefore must be recorded.
- (d) The Director concerned, must evaluate the progress and performance of an employee appointed on probation on a monthly basis according to such factors and objectives as may be prescribed in terms of the municipality's employee performance appraisal system.
- (e) While still within the period of probation, no employee may apply or be considered for any other permanent position.

10. ISSUING OF NOTICES OF APPOINTMENT AND JOB OFFERS

Only the manager responsible for Human Resources Management 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 has been appointed;
- (b) notify an employee that she/he had successfully completed her/his period of probation or that her/his period of probation has been extended; and
- (c) notify an employee of any change in her/his particulars of employment.

- END -

Date of last update – 14 April 2015

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