



# VICTOR KHANYE

LOCAL MUNICIPALITY – PLAASLIKE MUNISIPALITEIT

## EMPLOYEMENT PRACTICE

Policy Number: EP -01	Approved by Council: August 2012
Resolution No: S05/08/2012	Review Date:

## **RATIONALE**

This policy is intended to create a framework for decision-making in respect of employment practice/s in the Victor Khanye Local Municipality (VKLM). The policy establishes a set of guidelines and rules for the consistent interpretation and application of collective agreements and legislation governing the acquisition of staff by the VKLM.

### **1. PREAMBLE**

The VKLM is obliged in terms of the several national legislative prescripts to regulate the process of acquiring and managing the staff/ personnel in its employ . The staffing policy and its implementation will be fundamentally aimed at matching the human resources to the strategic and operational needs of the VKLM and ensuring the full utilization and continued development of these employees.

All aspects of the staffing, structuring, recruitment, selection, interviewing and appointment of employees will be non-discriminatory and will afford applicants equal opportunity to compete for vacant positions, except as provided in this policy with reference to affirmative action and employment equity.

### **2. DEFINITIONS**

The intention to elaborate on a definition is merely to reach consensus amongst stakeholders in the interpretation and application of a specific definition. Any expression that is defined in the Employment Equity Act, 1998 has that meaning and no other. The following definitions however need further clarity as to understand the practical implications thereof.

#### **2.1. *Recruitment***

Means the activities undertaken in the human resource management in order to attract sufficient job candidates who have the necessary potential, compliances and traits to fill job requirements and to assist the VKLM in achieving its objectives

#### **2.2. *Suitably qualified applicant means***

A person may be suitably qualified for a job as a result of any one of, or any combination of that person's –

- Formal qualifications
- Prior learning
- Relevant experience
- Capacity to acquire, within a reasonable time, the ability to do the job.

Note 1: The legislation prescribes that qualification and experience requirements should be based on the inherent requirements of a particular position. It is stated that the inherent requirements were taken into consideration when the predecessor of the South African Local Government Bargaining Council (SALGBC) has set qualifications and experience requirements for the industry. Existing qualification and experience requirements is therefore maintained until the Bargaining Council sets revised requirements.

Note 2: Prior learning is defined as experience obtained on the job as well as academic qualifications that are informal of nature. The value and level of prior learning is however acknowledged as defined by the National Qualifications Framework (NQF).

### **2.3. Reasonable accommodation**

Reasonable accommodation means any modification or adjustment to a job or to the working environment that will enable a person from a designated group to have access to or participate or advance in employment (including disabled persons).

Note: Deviations from existing practices, standards, norms or procedures should be well motivated with a cost implication to Council for consideration.

### **2.4. Inherent requirements of the job**

Inherent job requirements refer, inter alia, to the following:

- Qualifications/knowledge/skills that are essential to the position
- Duties required
- Physical location
- Requirement of own transport or equipment for performance of duties
- Irregular working hours

- Physical requirements of the position
- Security clearance
- Qualifications as a legal minimum
- Working conditions
- Responsibilities
- Decision making abilities
- Language

Note 1: It is viewed that the existing qualifications and experience requirements were set by the Bargaining Council and accepted by Council have taken the inherent requirements of positions into consideration when qualification and experience requirements are set.

Note 2: Departmental heads should critically evaluate the qualification and experience requirements for vacant positions and any substantive deviation proposed should be brought to the attention of the Municipal Manager with a motivation of proposed amendments prior to such a position being advertised.

Note 3: Deviations from existing qualification and experience requirements are to be agreed upon by all relevant parties before an appointment is to be made.

## ***2.5. Employee***

A definition of an employee means any person other than an independent contractor who works for another person or for the State and who receives, or is entitled to receive any remuneration and in any manner assists in carrying on or conducting the business of an employer. Employed and employment have corresponding meanings. Applicants for a position are also regarded as employees.

## ***2.6. Qualifications***

Existing qualification requirements are to be maintained until the Bargaining Council has implemented revised qualification requirements.

## ***2.7. Experience***

Existing experience requirements are to be maintained until the Bargaining Council has implemented revised experience requirements.

## ***2.8. Ability to acquire necessary skills within a reasonable period of time***

A reasonable period of time is regarded as not longer than 6 months to enable an employee to familiarize herself/himself with performance requirements and performance standards. Performance evaluation (as part of probation period process) should be conducted timeously to communicate to employees whether they adhere to performance requirements and performance standards and as such advise the confirmation of their employment.

## ***2.9. People with disabilities***

People with disabilities mean people who have a long-term or recurring physical or mental impairment, which substantially limits their prospects of entry into, or advancement in employment.

## ***2.10. Employment policy or practice***

Includes, but is not limited to:

- Recruitment procedures, advertising and selection criteria
- Appointments and the appointment process
- Job classification and grading
- Remuneration, employment benefits and terms and conditions of employment
- Job assignments
- The working environment and facilities
- Training and development
- Performance evaluation systems
- Promotion
- Transfer
- Demotion
- Disciplinary measures other than dismissal
- Dismissal

### **2.11. Relevant recruitment area**

The relevant recruitment area is that geographical area from which the employer would reasonably be expected to draw or recruit from. Recruitment areas may vary depending upon the level of responsibility and the degree of specialization of the occupation. Usually, the higher the degree of responsibility or specialization required for the job, the broader the recruitment area. Recruitment area refers to the qualified labour market where labour is drawn from.

### **2.12. Affirmative action**

Affirmative action means:

- Implementing positive remedial action, programmes and procedures to address historic and existing inequalities, imbalances, prejudices and injustices in the workplace.
- Taking particular care to ensure that historically disadvantaged people are no longer unfairly held back by discrimination in recruitment, selection, skills development or promotion to all occupational positions.
- Actively pursuing an ongoing strategy to redress imbalances in the workplace to reflect the relevant labour market as defined under a relevant recruitment area.

### **2.13. Equal job opportunities**

Equal job opportunities means: Ensuring that anyone regardless of race, ethnic and social origin, colour, culture, gender, religious or political persuasion, disability, age or sexual orientation has an equal chance for appointment to a position based on merit or potential ability. The removal of all forms of discriminatory practices in employment. Establishing the principle and practice of equity in the workplace.

**2.14.** Selection means the process of making decisions about the matching of candidates taking into account individual differences and the requirements of the job.

**2.15. Induction** means a formal orientation process of employee's first entry into an organization or position or office.

**2.16 Reference check** means the gathering of information about candidates past history from people with whom such candidate has been associated.

**2. 17 Security vetting** means the systemic process of investigation followed in determining a person's security competence, in terms of Minimum Information Standards Security (MISS).

### **3. OBJECTIVES OF POLICY**

- 3.1 To ensure that the working of overtime is regulated and also consistent with the provisions of the Basic Conditions of Employment Act 75 (1997) as amended
- 3.2 To create a clear and easily understandable guidelines for management and officials with regards to the operational implementation of standardized overtime practices in line with relevant legislation, collective agreements and all related Council resolutions regulating overtime work
- 3.3 To enable the municipality to detect quickly the malpractice in respect of overtime work being performed and the relevant payment thereof
- 3.4 To sensitize all managers and officials that although overtime work is often necessary and unavoidable in order to meet Council operational needs, the cost implications need to be taken into account and therefore these policy guidelines need to be adhered to.

### **4. LEGAL FRAMEWORK**

- Employment Equity Act (Act 55 of 1998)
- Basic Conditions of Employment Act 1997 (Act No. 75 of 1997)
- Labour Relations Act, (Act 66 of 1995)
- Collective Agreements of the SALGBC
- White Paper in Affirmative Action

## **5. OBJECTIVES OF POLICY**

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

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

- a) be characterized by a high standard of professional ethics;
- b) promote the efficient, economic and effective utilization of employees;
- c) be conducted in an accountable manner;
- d) be transparent;
- e) promote good human resource management and career development practices, to maximize human potential; and
- f) ensure that the VKLM's administration is broadly representative of the South African people, with human resources management practices based on ability, objectivity, fairness and the need to redress the imbalances of the past to achieve broad representation

## **6. SCOPE AND APPLICATION**

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

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

### **6.1 Post Establishment**

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



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

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

## **6.2 Recruitment**

### **6.2.1 Determining Recruitment Needs**

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

### **6.2.2 Validation of Inherent Requirements**

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

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

### **6.2.3 Recruitment Advertisement**

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

- The name and location of the VKLM.
- A statement that the VKLM subscribes to the principles of employment equity.
- The designation of the position that is advertised and reference number if applicable.

- The minimum requirements in terms of qualification, skills, expertise and other requirements for appointment.
- A summary of the key performance areas/primary duties of the position.
- A statement that the appointment will be permanent or for a fixed term, and the term (if applicable).
- In the case of a 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 VKLM.
- The name and contact details of the person to whom enquiries may be directed.
- A statement that canvassing will disqualify any candidate from being considered for appointment.
- An indication of the remuneration offered.
- The format and content of applications.
- The address where, and person to whom, applications must be delivered.
- The closing date for the submission of applications.
- A statement that applications received after the closing date will not be accepted or considered.
- A statement that if an applicant does not hear from the municipality within three months his/her application was unsuccessful.
- A statement that email and faxed applications will not be considered.

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:

<b>Nature of Post</b>	<b>Advertising Medium</b>
Temporary elementary positions	Local newspapers and internal
Permanent elementary occupations	Internal

Entry and middle level occupations	Internally and local newspapers
Senior management and professional Occupations	Internally, provincial and national Newspapers and VKLM website

#### **6.2.4 Unsolicited Applications**

Unsolicited applications received during the course of the VKLM's operations must be returned forthwith to the applicant stating that the municipality did not have any vacancies at the time when the application was submitted and that should any vacancy arise, the municipality would advertise such vacancy.

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

#### **6.2.5 Head Hunting**

Head hunting can be used-

- To encourage suitably qualified, skilled and competent people to apply for a position when advertised; and
- If it proves difficult to recruit suitably-qualified candidates and/or candidates from historically disadvantaged groups, following the normal recruitment processes.

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

#### **6.2.6 Filling Additional Vacant Posts**

If a post has been advertised, and a similar post becomes vacant after the first post has been advertised, the Municipal Manager may approve that the second post be filled from the applications received for the first post. This is, provided that the relevant positions are on the same level, with similar duties and requirements. Furthermore, the period between the advertising of the first post and the approval of the nomination for the second post must be within three months.

## **6.2.7 Secondments, Loans and Exchanges**

It is in the municipality's interest to encourage greater mobility within the municipality. Secondments, loans or exchanges may therefore be instigated either by the employer or the employee, provided that there is a clear and specific municipality's interest in the additional experience to be gained, over and above the individual's personal development, and subject to the following principles:

- No additional expenditure costs may be incurred.
- The employee's existing financial position will be maintained.
- The directorates in which such secondments, Loans and Exchanges is to occurs to confirm in writing that neither directorate will be negatively affected.
- Only employees on similar employment conditions may be seconded, loaned and/or exchanged, that is, Fixed Term Contracts, Temporary Employment or Permanent Employment.

## **6.2.8 Application forms**

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

## **6.3 Selection**

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

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

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

Unless formal or statutory qualifications are clearly justified as essential for the job, relevant experience/performance, training [internal/external] as reflected and

measured through competencies, and potential for the prospective vacancy shall be an important criterion.

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

#### **6.3.1.1 Nepotism**

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

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

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

For the purpose of this policy, relatives are defined as husbands and wives, parents and children, brothers, sisters, friends and any in-laws of any of the foregoing.

#### **6.3.2 Selection Process**

The purpose of selection is to identify the most suitable candidates from all the persons who applied and to eliminate unsuitable candidates in the fairest way possible.

The selection process will be conducted by a Selection Panel consisting of (depending and with due cognizance of the post):

The Municipal Manager must appoint a selection committee to conduct the short-listing and selection process. The following provisions apply to the appointment and composition of the Selection Committee:

- The Municipal Manager, or his or her delegated official, must approve the members of the Selection Committee.
- A Human Resources representative must assist on all Selection Committees, to provide administrative support, technical advice and to ensure that the principles of Employment Equity and Labour Relations are adhered to, but shall not complete score sheets if graded lower than the post to be filled.
- The Selection Committee must consist of at least three members. These members must fall within a grading category equal to, or higher than, the grading of the post to be filled. Alternatively, the Committee may be made up of suitable people from outside the VKLM but not outside public service, including Local Municipalities. However, in all instances, the Chairperson must be the employee of the VKLM.
- The Chairperson of the Selection Committee must be of a grading higher than the post to be filled.
- If the manager of the department within which the vacant post is graded lower than the vacant post, she or he may be a member of the Selection Committee.
- A Section Committee must include adequate representation (race and gender) and include members with relevant expertise.

Labour Unions – may attend the proceedings as observers only.

The Council shall through a Council resolution and/or delegated powers determine the panel for selection process of other identified “strategic positions” such as those in the office bearers offices.

### **6.3.3 Functions and meetings of the Selection Committee**

The following provisions apply to the functions and meetings of the Selection Committee:

- The inherent (built-in) job requirements (as contained in the advertisement) must be the basis on which candidates are included or excluded from the short-list, taking into account employment equity requirements.
- Human Resources Management unit, must invite the short-listed candidates to the selection interviews, and must inform the Selection Committee members of the dates, times and venues of interviews. The dates, times and venues of the interviews must be set in consultation with the members of the Selection Committee.

- Human Resources Management staff, must facilitate travel and logistical arrangements for candidates attending interviews. The VKLM compensates candidates for traveling expenses. In instances where an interview is held in an area beyond the 120-kilometre radius from where the candidate comes or in exceptional cases, the delegated official may approve the traveling expenses.
- As a general rule, the accommodation of candidates attending interviews should be paid only under exceptional circumstances. The costs of traveling and the relocation of candidates from different geographical areas should be limited.

#### **6.3.4 Compiling of Master Lists**

After the closing date of an advertisement all the applications received for every specific position are captured in on the master list compiled by the Director Corporate Services.

The master list must contain, in table form, the following particulars in respect of each candidate and within the parameters of the job specifications:

- the applicant's surname followed by her/his initials
- the applicant's gender
- the applicant's race
- the applicant's qualifications and experience relevant to the job description and job specification; and
- if applicable, the nature of the applicants disability
- indication as to whether the application meet/ do not meet the job requirements as stated in the post advert

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 Mayoral Committee.

The Director Corporate Services must, during the compilation of the master list, take all reasonable steps and actions to establish the validity and accuracy of any certificates, diplomas and other information supplied by an applicant. If any candidate submitted or claimed that he/she 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.

### **6.3.5 Compiling Short Lists**

The departmental head concerned or the Mayoral Committee, as the case may be, must select from the master list, with due regard for the numerical goals set in the VKLM's employment equity plan not more than 10 applicants who in his/her opinion would be the most suitable candidates to be subjected to the selection process.

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

- Internal applicants
- Local applicants (40% urban areas and 60% rural areas)
- Provincial applicants
- National applicants

The relevant departmental head or the Mayoral Committee, as the case may be, must submit the particulars of the short listed candidates to the Director Corporate Services.

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

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

The Municipal Manager or his/her designated representative must attend and may participate in any interview for appointing an employee –

- on the first level below the level of departmental head
- as manager directly accountable to her/him, and
- in her/his department/office

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



### **6.3.7 Conducting proficiency tests/assessments**

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.

In addition to other assessment tools (such as competency assessments, case studies, simulation exercises and role-plays) may be used, depending on the requirements of the job.

The VKLM may conduct competency assessments for all positions on all task level below managers reporting directly to the Municipal Manager. Competency assessments are compulsory for all section 56(as per amended legislation) appointments.

Directorates, in consultation with HR, must decide on the assessment procedures and tools to be used. Only HR-approved assessment tools may be used. Assessment tools may be used, only if they are scientifically valid, reliable and can be applied fairly to all employees.

Assessment tools must be administered, scored and interpreted by qualified persons, who have been trained and licensed to use them.

### **6.4 Reference Checks**

The Chairperson or HR representative must ensure that references are checked (where required) before the offer of the job is made to a candidate.

Reference checks should be conducted for both internal and external applicants. Current supervisors should be consulted and a reasonable effort should be made to do reference checks with all previous employers of applicants.

During the interview, candidates must be informed of the reference check and the list of referees should be confirmed with them.

Reference checks must be used in combination with other selection tools.

All reference checks must be conducted in a structured, fair and transparent manner. Feedback must be recorded on the relevant form and submitted to the panel members for their consideration.

When a reference results in a decision not to offer a candidate a job, the areas of concern and their relevance to the job requirements must be documented.

## **6.5 Security Clearance/Vetting**

Advertisements (at the discretion of VKLM) should state applicants must undergo security clearance. Security clearance must be done in respect of recommended candidates with assistance from a service provider and/or the National Intelligence Agency.

Security Vetting will be done following the South African Social Security Agency Act, 2004 and the Minimum Information Security Standard with particular reference to the guidelines with respect to security vetting which is spelled out as follows:

- Security vetting is the systematic process of investigation followed in determining a person's security competence.
- The degree of security clearance given to a person is determined by the content of and/or access to classified information entailed by the post already occupied/to be occupied by the person.
- A clearance issued in respect of a person is merely an indication of how the person can be utilised, and does not confer any rights on such a person.
- A declaration of secrecy should be made on an official form by an applicant to any government post, before he/she is appointed or during the appointing process.
- Political appointees (Director Generals, Ambassadors, etc) will not be vetted, unless the President so requests or the relevant contract so provides. From the lowest level up to Deputy Director General all staff members and any other individuals who should have access to classified information, must be subjected to security vetting.
- A security clearance gives access to classified information in accordance with the level of security clearance, subject to the need-to-know principle.

In addition to the above, the service provider must supply the VKLM with independent reports on individuals after detail vetting was done on the following areas:

- Credit reference,
- SAPS criminal record,
- Qualification check and
- Employment verification.

The outcome of the security clearance must be used as one of the selection tools, when making a decision about whether or not to employ the candidate.

If the successful candidate is not offered the job as a result of the outcome of security clearance, the next most suitable candidate must be offered the job.

If, after security clearance has been refused, there is no suitable candidate on the short-list, the recruitment process must recommence.

If the employer cannot afford the time to wait for a positive outcome of the security clearance, eventual clearance must be made a condition of employment.

If the suitable candidate has assumed duty and the security clearance is subsequently declined, the appointment must be terminated.

## **6.6 Job Interview**

The following provisions apply to the process of interviews:

- A short-listed candidate must be invited to an interview telephonically or in writing, where they cannot be reached telephonically.
- All interviews must be structured. The Selection Committee must use a predetermined questionnaire to obtain information on training, skills, competence and the necessary knowledge to meet the inherent job requirements of the post, as well as a scorecard. Weights should be attached to each of the competencies.
- The questions can be asked in a specific order. However, the format should be flexible to allow questions to be added or altered if necessary, or to probe deeper into an issue arising from answers provided. However, it is imperative that all questions be job-related (as per labour legislation).

- During the interview, the candidate must be informed for which post he or she is being interviewed, and told about the selection process that is being followed. The Selection Committee is responsible for providing the applicant with information about the job and the organization, and for responding to the applicant's questions in this regard.
- Selection Committee members must complete score sheets for individual candidates, immediately after the interview. The candidate's score guides the committee members on the suitability of that particular candidate for the position.
- The Selection Committee must be careful not to create any expectations during the interview. Moreover, the VKLM is not bound by the decision of the Committee or any other person to disclose information, before a final decision is taken about appointing the successful candidate.
- All members of the Selection Committee should be present throughout the interview process, unless exceptional circumstances exist.
- The interview questionnaire and all questions asked should be based on the inherent (built-in) job requirements. Biased or discriminatory questions must be avoided.
- The candidates' responses and score during the interview must be documented.
- Where possible, at least two candidates in order of preference must be nominated for a specific post, in order to avoid the post being re-advertised should the first candidate decline the job offer.
- The Selection Committee shall make a recommendation on the suitability of a candidate after considering -
  - Information based on valid methods, criteria or instruments for selection that are free from any bias or discrimination;
  - The training, skills, competence and knowledge necessary to meet the inherent requirements of the post.
  - The needs of the VKLM for developing human resources.
  - The Employment Equity of the Directorate and office where the post is located; and
  - The Employment Equity Plan of the VKLM.
- The appointment of non-South African citizens may be considered, but only if the required skills are not available in South Africa. The employee

needs to be in possession of a valid work permit. A key element of the contract must be the transfer of skills to citizen employees.

## **6.7 Making a job offer**

Once the selection process is concluded, and the accounting officer (MM), has approved the appointment, the job must be formally offered to the successful candidate. No offer of employment, verbal or otherwise, may be made before the conclusion of the process.

An HR representative must make a written offer of employment to the successful candidate within five (5) working days, after the recommendation for appointment has been approved. The written offer must include a salary package and conditions of employment.

The candidate must respond to the job offer in writing within five (5) working days and if he or she accepts the offer, indicate when duty will be assumed.

If the successful candidate refuses the offer, the next most suitable candidate (provided he or she meets the requirements of the post) must be offered the job, after consultation with the Head of the Directorate concerned or the delegated official.

For all employees, excluding section 57 employees, a job offer is valid for one calendar month for assumption of duty. For section 57 employees, a job offer is valid for sixty (60) days for assumption of duty.

Upon receipt of the successful candidate's acceptance of the job offer and assumption of duty, the other candidates interviewed must be informed that their applications were unsuccessful.

## **6.8 Appointment**

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

The Director Corporate Services or his or her delegated official, in consultation with the directorate in which the new employee is to be employed, must ensure that all logistical arrangements relating to the new employee are in place. These

include: the date and time when and the place where the employee is to begin work; and the allocation of an office, furniture, stationery and so on.

The salary of a candidate, whose appointment amounts to a promotion, comes into effect on the first day of the month following the month during which the appointment was approved.

The salary of candidates appointed to entry-level positions and appointees from outside the VKLM, depends on the date on which the employee begins work.

### **6.8.1 Appointment for a fixed term**

A person appointed as –

- Municipal Manager
- Manager directly accountable to the Municipal Manager
  
- The employment contract of a person appointed for a fixed term must include, subject to applicable labour legislation, details of –
  - the duties, remuneration, benefits and other terms and conditions of employment of the employer and employee;
  - the term of employment, which terms may not exceed a period ending two years after the election of the next council of the VKLM, provided that the term of any person appointed to work directly under the supervision and commitment of a political office-bearer or other councilor must expire if that office-bearer ceases to hold that office;
  - include as provision for the cancellation of the contract, in the case of non compliance with the employment contract or the performance agreement.
  - stipulate the terms of the renewal of the employment contract, but only by agreement between the parties; and
  - reflect the values and principles referred to in Section 50, the Code of Conduct set out in Schedule 2, and the management standards and practices contained in Section 51 of the Municipal Systems Act.
  - The annual performance agreement must be concluded within a reasonable time after a person has been appointed and, on or before 31 July each year and must include – 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 VKLM's Integrated Development Plan.

- The time frames within which those performance objectives and targets must be met.
- Standards and procedures for evaluating performance.
- The intervals for evaluation; and
- The consequences of substandard performance.
- 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 municipality's service delivery and budget implementation plan (SDBIP) as required by the abovementioned Act.
- Copies of such performance agreements must be submitted to the council and the MEC for Cooperative Governance and Traditional Affairs in the province within thirty days after signing of the performance agreements.

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

### **6.8.2.1. Temporary employees**

One should distinguish between temporary staff and casual employment. **Casual employment** refers to an ad hoc request for additional staff which is not indicated on the organogram. The Departmental Head should employ the most suitable applicants which is readily available in the shortest period of time. No target setting needs to be accommodated for these appointments.

**Temporary employment** refers to the situation where an individual is appointed in a position reflected on the organogram of Council with the intention to fill the vacancy at some stage in the future. The purpose behind the under-mentioned procedure is to eliminate any unfair advantage that a temporary employee may have when the position is filled on a permanent basis.

The use of temporary personnel should be discouraged if and where possible. Temporary personnel should only be used to alleviate seasonal or temporary additional workload that cannot be accomplished with normal staff structures. Normal staff structures should be designed to accommodate for most events in the daily activities of each department. It is however acknowledged that there are times and situations where temporary personnel may be used. The following procedure for the filling of temporary positions is set:

- A personnel requisition motivation memo is to be submitted by the relevant Departmental Head and sent to the Municipal Manager for approval.
- As the appointment of temporary staff often advantages the incumbent when the position is filled on a permanent basis, the applicable occupational categories as per target setting in terms of the approved Employment Equity Plan should be adhered to.
- An internal advertisement is to be placed on notice boards inviting applicants through Council employees to apply for temporary appointments.
- Interviews for the appointment of temporary personnel may be conducted by the Departmental Head or his nominee with the support of Corporate Services department and recommendation for appointment submitted to the Municipal Manager for approval. No appointment should be effected prior to the approval by Municipal Manager
- Unions may use the objection procedure if an objection is to be raised.
- A letter of appointment to the temporary position should be issued by the Corporate Service director for all temporary and casual appointments following approval by Municipal Manager.
- As a guideline, temporary appointments should not exceed 3 months.

A person appointed to a temporary position –

- is appointed at the remuneration rate as determined by Council policy from time to time, based on the available funds/ budget applicable for the vacant;
- may not receive any cell phone, housing and traveling benefits;



- may not become a member of a retirement fund or medical aid scheme to which the municipality must contribute;
- earns leave in terms of the relevant collective agreement, and is subject to the attendance requirements, rules of conduct and grievance procedures in terms of the VKLM's conditions of service;
- may not be appointed for a period exceeding six (6) months and may not be appointed for a consecutive period of six (6) months.

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

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

### **6.8.4 Appointment of replacement labour in the event of a strike**

The Municipal Manager may, 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.

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:

- 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 VKLM return to work; and
- 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 VKLM 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.

### **6.8.5 Appointment to a permanent position**

The Director Corporate Services must present every newly appointed employee with a letter of appointment not later than the day on which she/he starts working in terms of section 29 of the Basic Conditions of Employment Act 1997.

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

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

#### **6.8.5.1 Probation**

The employment of new employees is subject to a six (6) months probation period. This must be reflected in the job offer. The probationary period may be reduced or excluded by the delegated official.

Conditions under which this may take place, are –

- When an employee is on probation and is transferred or promoted to another post (a lesser period of service on probation may be recommended but the total probation period should not be less than 06 months); or
- Where an employee has already completed a contract of employment period of two years or more in the post.

During the probationary period, the Directorate/Supervisor/Manager must monitor the new employee's ability to perform a particular job at a particular level. Supervisors are responsible for the day-to-day supervision of employees on probation through training, offering guidance and advice and monitoring progress. The probationary system is linked to the performance management system.

Probationary reports must be completed and submitted to HR for implementation.

The probation period shall not be extended with the number of leave days taken during the probation period or extension thereof.

In the event of unsatisfactory work performance, the supervisor or manager must immediately implement the relevant incapacity processes. If the performance does not improve, the matter should be referred to legal Services for incapacity processes. Possible actions are the extension of the probation period or termination thereof. Termination of probation can happen during the probation period as long as the formal dismissal procedures were followed. When dismissal is considered, the employee must be afforded the opportunity to state her or his case.

#### **6.8.5.2 Induction**

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

- The new incumbent will be introduced to his / her immediate staff /colleagues by the HR Officer.
- The HR Officer shall ensure, in conjunction with the incumbent, that all appointment documentation has been completed and processed.
- The HR Officer will arrange a tour / explanation for the new incumbent of the range of services.
- The HR Officer and the line manager will explain and provide a copy of the job description relating to the new employee's specific position / or job function (line management is expected to conduct a full job orientation).
- The HR Officer will also explain and provide a copy of the Council's Human Resources Policies and Procedure Manual.
- The Head of Department is responsible for the induction of each employee in his/her department in order to familiarize the employee with the department in which he/she has been appointed.

#### **6.8.6 Employment on Contract**

An office may consider appointing a person on a limited period contract where –

- An existing employee is expected to be absent for so long that his or her duties cannot be performed by other personnel.

- There are additional work demands which are not necessarily of a permanent nature, or
- Where there is no suitable vacancy to which an appointment can be made.

Employment Equity principles – in terms of race, gender and disability – must be strictly adhered to.

A Directorate's Head may recruit contract employees, only with the approval of the MM, or his or her delegated official.

The recruitment and selection requirements for a contract employee are the same as for the recruitment and selection of a permanent employee. The services of a recruitment agency can also be utilized with the approval of the Municipal Manager.

An employment contract may not exceed a period of twelve months at a time. The following conditions must be complied with:

- Funds must be available.
- The Head of the Business Unit must confirm that no permanent employee is available to perform the necessary service.
- Reasons must be given as to why a person must be appointed on contract; these must include the following information:
  - The purpose and extent of the specific task to be performed.
  - The specific duties that must be performed.
  - The duration of the contract.
  - Based on the level of output and competencies required, the rank and level on which the person will be appointed.
- The standard VKLM contract for employment of contract employees must be utilized.

A contract employee must be remunerated at the same salary scales as those applicable to permanent VKLM employees.

Contract employees' conditions of employment, appointment on Sec 56 (as amended by legislation) level must be remunerated in terms of the relevant level of the Sec 56 package.

Care must be taken that there is no discrepancy between the salary of serving employees and employees working on contract.

Human Resources must perform all recruitment activities, in consultation with the Directorate concerned.

The appointment of non-South African citizens may be considered, but only if the required skills are not available in South Africa. The employee needs to be in possession of a valid work permit. A key element of the contract must be the transfer of skills to citizen employees.

#### **6.8.6 Re-appointment of former Employees**

- An employee who has retired and who is above the age of 65 may be re-appointed if it is in the public interest and the officer consents to his or her re-appointment. The officer may be so retained from time to time, with the approval of the council for further periods, which shall not exceed two years in aggregate.
- A former employee who left the VKLM due to ill-health, may be re-appointed by the delegated authority, if he or she can provide recent and conclusive evidence of recovery.
- A former VKLM employee who took voluntary severance package will not be re-employed, depending on the terms and conditions of the severance package. Re-appointment is in the discretion of the council.
- An employee whose services were terminated as a result of misconduct in terms of the Labour Relations Act, 1995, may not be re-employed.

#### **6.8.7 Appointment of Candidates on Remuneration above the Minimum Notch of the Salary Range**

If there is a need to recruit a competent employee with rare, critical or exceptional expertise and skills and such an employee cannot be recruited at the salary level indicated by the job weight, the Council may authorize the granting of a salary above the minimum notch of the salary level as indicated by the job weight. This will depend on the circumstances of the candidates and the availability of funds.

## **6.9 Relocation of Newly Appointed Employees**

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

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

The written quotations obtained by the employee must be attached to his/her claim for reimbursement.

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

## **6.10 Confidentiality**

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

## **7. IMPLEMENTATION AND MONITORING**

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

## **8. COMMUNICATION**

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

## 9. POLICY REVIEW

Notwithstanding the review date herein, this policy shall remain effective until such time approved otherwise by Council and may be reviewed on an earlier date if necessary.

## 10. BUDGET AND RESOURCES

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

## 11. ROLES AND RESPONSIBILITIES

<b>Role</b>	<b>Responsibility</b>
<b>Municipal Manager (subject to delegations if any)</b>	Approves the establishment and all appointments other than Section 56 (as per amended legislation) posts
<b>Council</b>	Develops the strategy and approves recommendations of the selection panels in respect of appointments on job levels relating to the Municipal Manager and Section 56 (as per amended legislation) employees
<b>Line Director</b>	Reviews the operational needs for advertising the positions and appoints in terms of authority and Delegations by the Municipal Manager. Conduct the pre-selection / short listing
<b>Selection Panels</b>	Short-lists, conducts interviews and make recommendations on suitability of candidates
<b>Human Resources</b>	Custodian of recruitment, selection, placement and induction processes of the VKLM and quality assurance
<b>Labour Representatives</b>	Ensures transparency and openness in the selection processes

## 12. RECORD KEEPING

Adequate records of the entire selection process need to be maintained, including selection and short listing criteria: reasons for inclusion/exclusion of candidates;

structured interview guide; copies of all other assessments utilized; comprehensive notes on assessment of each candidate; assessment ratings; reference checks. As in the recruitment process, these records need to be maintained for the prescribed period.

### **13. PENALTIES**

Non compliance of any of the stipulations contained in the policy will be viewed as misconduct and will be dealt with in terms of the municipality's Disciplinary Code.

### **14. DISPUTE RESOLUTION**

Any dispute arising from this policy due to ambiguous wording or phrasing must be referred to the Local Labour Forum for adjudication. Resolutions from the Local Labour Forum must be incorporated into the policy.