

EMPLOYMENT POLICY

1. PHILOSOPHY

The Municipality shall ensure that the Employment Policy and practices are in line with the Conditions of Services, the Labour Relations Act number 66 of 1995 and Employment Equity Act No 55 of 1998 and all applicable labour legislation. That this policy be implemented in collaborative partnership with Council's Labour Forum.

The Municipality shall ensure that the workforce is so composed that it is able to serve all members of the Community in a fair, effective and equitable manner without bias, aimed at a better service delivery. This policy shall form part of general measure and programme as to ensure that the Municipality is a non-racial, non sexist, just and equitable institution.

The Municipality shall appoint people who are suitably qualified for the job. A person may be suitably qualified for a job as a result of any one or any combination of that person's –

- a) Formal qualification
- b) Prior learning
- c) Relevant experience
- d) Capacity to acquire, within a reasonable time, the ability to do the job

The policy shall form the bases of all employment practices in the Municipality

2. RECRUITMENT STRATEGIES

All recruitment endeavours shall embrace accessibility, transparency and equality. Representatively shall be a primary factor in the consideration of the composition of a Recruitment panel.

The following shall be the guiding principles for recruitment:

- i) All available vacant posts shall, at all levels, be advertised as guided by the financial constraints of the Municipality. All vacant posts (excluding general workers) will be advertised internally first and if it is recognised that no suitable skills, experience or potential exists within the Municipality, such a post will be advertised externally in the local media in terms of Council's language policy. All external applications will be treated in line with the essence of the Municipality's Employment Policy in terms of representivity, employment equity and affirmative action.
- ii) The Municipal Manager shall headhunt the most suitable candidate to fill the vacant position after all avenues to fill a vacant post have been explored without success. The headhunting intervention will apply to all advertised posts regardless of whether the post has been advertised internally or externally.

- iii) Measures shall be employed to attract persons from previously disadvantaged groups, women and people with disabilities in all occupational posts to ensure representivity.
- iv) The Municipality shall maintain flexibility in removing barriers and give preference to those applicants who promote representivity, in accordance with the Employment Equity Act.
- v) The Municipality shall consider both formal and informal qualifications relevant to the advertised post and shall note working experience, ability to do the job, demonstrated ability, trainability, and the ability of the candidate to learn.
- vi) The Municipality shall empower all previously disadvantaged groups, women and persons with disabilities, by creating an enabling environment that ensures the development of their careers.
- vii) A register shall be kept by the Human Resources Section on all applications received.

3. ADVERTISEMENTS

- i) The Municipal Manager must ensure that all vacancies on the staff establishment are advertised after consultation with the relevant Director of the Department concerned, the Director : Corporate Services Department and representative Unions in accordance with the Affirmative Action en Employment Equity Act.
- ii) In the advertisement of posts the Municipality shall state that it is an Affirmative action employer and that it upholds the principles of equity in employment.
- iii) Internal recruitment shall take precedence over external recruitment with the exception of General Workers positions which will be advertised externally because they are considered entry level positions.

4. INTERNALLY ADVERTISED POSTS

Such advertisements shall:

- i) State the designation, level and salary scales of the post in which the vacancy exists.
- ii) Clearly state the minimum job and qualification requirements and the job content.
- iii) State the applicable procedure, closing date and contact person.
- iv) Be compiled in accordance with the Council's approval language policy.
- v) The Corporate Services Department will ensure that the advertisement notice be communicated to all Council employees before the closing date of the advertisement.
- vii) Such advertisements will run for no longer than 10 days.

5. **EXTERNALLY ADVERTISED POSTS**

Such advertisements shall:

- i) Be as cost-effective and efficient as possible but must at all times adhere to the principle of representivity.
- ii) No late applications will be accepted.
- iii) Such advertisements will run in accepted media for no longer than 14 days

6. **SELECTION**

6.1 **SELECTION PROCESS**

A person specification, approved by the relevant Director of the Department concerned in consultation with the Director : Corporate Services shall be compiled for each vacancy.

A person specification is a profile outlining the minimum requirements necessary for success in a job and forms the basis for evaluation and interviewing.

- a) A minimum requirements can only be listed if the necessity thereof for success in the job can be verified by the official job description, duty sheet or job analysis.

6.2 **PRE-SELECTION PROCESS**

- i) Pre-selection is the process through which those candidates who meet the minimum requirements laid down in the Grading Scheme and person specifications are identified.
- ii) Candidates who meet the laid down minimum requirements may be considered for assessment/evaluation and candidates who do not comply with such requirements are eliminated.
- iii) A pre-selection interview can be conducted to verify information concerning qualifications, knowledge and experience and should be conducted in a structured way. (See interviewing panel)
- iv) In cases of external recruitment, the criteria that have been agreed upon by the various stakeholders will be adhered to.
- v) The Municipal Manager shall constitute a committee that shall be responsible for shortlisting suitably qualified candidates from the pool of applications.

6.3 ASSESSMENT/EVALUATION

- i) Evaluation may take place to establish candidates suitability to relation to the criteria in the person specification except the Manager's positions and where special skills are required.
- ii) Suitability is defined as the capacity to do the job, judged on any one of the following: specifications, experience, prior learning/knowledge, potential and demonstrated ability. Emphasis would be on meeting minimum/inherent requirements for the job.
- iii) Prior to any appointment, evaluation shall take place to ensure objectivity, transparency and fairness.
- iv) Suitability may be identified and evaluated through trainability tests, culture fair psychometric tests, competency based techniques, assessment centres, performance history, valid merit appraisals and structured interviews.
- v) The Director - Corporate Services will advise the relevant Director of Department concerned on the selection process.
- vi) Unions shall be allowed to observe the assessment/testing procedure.

6.4 ASSESSMENT INSTRUMENTS

- i) A variety of assessment instruments and techniques exist which are used as aids to determine a candidate's suitability. These tests have often been contested and have been stigmatised as being culturally biased. As a result there have been moves away from applying traditional psychometric tests, but should the Municipality consider such tests and techniques in determining the suitability of such candidates the following is advised:
 - a) The assessment instruments must be scientifically proven to be valid and reliable, they should be objective, culture free and fair
 - b) Such tests must measure skills and abilities related to the particular job.
 - c) Such tests must measure the ability to apply skills in different situations in the workplace.
 - d) Such tests must measure the ability to learn tasks related to the job function.
 - e) Such tests must measure the competency in areas which indicates the candidate's ability to work.

6.4 ASSESSMENT INSTRUMENTS (CONTINUE)

- f) Such tests must measure the willingness to learn, achieve and progress.**
- g) Such tests must be reliable, free of racial or gender bias and not discriminate on the basis of ethnic origin, disability or sexual orientation.**
- h) No assessment instrument should be used in isolation. The purpose of each instrument shall be to supplement information gained in other stages of the selection process to determine the suitability of an applicant for a specific position.**
- i) Private specialists should be utilised should the Municipality not have the capacity to conduct such tests.**
- j) In using the tests the principles of accessibility, representivity and equal opportunity must be considered.**
- k) As a general principle, testing shall be viewed as diagnostic and an indication of a candidate's potential in a particular field and as a useful guideline for future development action.**

6.5 SELECTION

- 1. The Corporate Services Department will be responsible to ensure that each selection process is managed according to this policy and should advise other Directorates as such.**
- 2. The Municipal Manager in promoting representivity should be flexible in the filling of posts and promotion-ability and therefore during the selection process the Municipal Manager must consider the following:**

6.5.1 Interview and Selection Panel

- i) Panel interviews may be the final phase of the selection process and will be conducted to determine the successful candidate(s) for appointment/promotion/transfer**
- ii) The interview and selection process must be fair and based on the principles of accessibility, representivity and equal opportunity.**
- iii) The Selection Panel must ensure that all candidates compete equally and that they are all treated the same. All candidates must be evaluated against the same requirements and criteria taking into account the principles in para (ii)**
- iv) The Selection Panel must address its questions to the candidate's ability or potential to meet the job requirements.**
- v) The proceedings of the Selection Panel must be properly documented in order to ensure the impartiality, objectivity and fairness of the Selection Panel and the proceedings must be made available to neutral or interested parties upon request.**

6.5.1 Interview and Selection Panel (Continue)

- vi) Experience and the value of informal on-the-job training shall also be considered as skills recognition
- vii) The final decision to appoint a candidate rests with the Municipal Manager after consultation with the Selection Panel. The Municipal Manager will report to Council which candidate has been appointed.
- viii) A minimum requirement regarding experience must be specified, related to the job content.
- ix) For each panel a structured questionnaire will be compiled. This will be done jointly by the Selection Panel, Questions for the interviews shall be drafted by the Selection Panel prior to the commencing of the interview.

6.5.2 Panel Composition

- i) The Municipal Manager shall be responsible for choosing the Selection Panel. The Municipal Manager shall ensure that the Selection Panel consists of the relevant Directorate taking into Account where the position exists. The Corporate Services Directorate shall be included in the Selection Panel to act as Chairperson in order to control the interview proceedings.
- ii) Unions will be invited in writing to panel interviews with fair notice but should they not attend the interviews will continue.
- iii) Representatives of Unions should be conversant with interviewing and selection ethics and procedure.

6.5.3 Role of Unions on Panels

- i) Unions shall sit as observers during the interviewing and selection process.

6.5.4 Appointment of Municipal Manager

- i) In terms of the Municipal Systems Act, 2000, the appointment of the Municipal Manager is the responsibility of the Councillors, with Unions as observers.

6.5.5 Appointment of the Deputy Municipal Manager

- i) Where such a position is warranted, the interviewing, selection and appointment is made by the Council in consultation with the Municipal Manager, with Unions as observers.

6.5.6. Appointment of Heads of Department

- i) The Selection panel shall comprise of the Councillors in consultation with the Municipal Manager with Unions as observers. The Municipal Manager shall advise Council about the most suitable candidate to be appointed as Head of Department/

6.5.7 Appointment of Middle Management and Administrative Staff (Post Level 2-17) (Deputy Heads of Departments and all other lower level staff

- i) The Selection Panel shall comprise all role-players as in 6.5.2

6.5.8 Panel Decisions

- a) The Selection Panel shall reach an agreement on the most suitable candidate by consensus taking into account the selection techniques. Consensus shall be based on the majority view as expressed by the Selection Panel. Should consensus not be reached, the Municipal Manager shall use his discretion relating to the appointment.
- b) The decision and reasons for the decision of the Selection Panel shall be documented by the Corporate Services Department. The Selection Panel shall make recommendations to the Municipal Manager in writing after finalising the interviews. The Recommendations of the Selection Panel shall be documented by the Corporate Services Department.
- c) The Director - Corporate Services or his/her nominee shall inform all candidates who attended the panel interviews of the recommendation of the Interview Panel.
- d) Feedback to candidates on request on their performance during the interviewing process will be done by the Corporate Services Department.

6.5.8 Panel Decisions (Continue)

- e) **Candidates may request feedback on the selection process and results from the Corporate Services Department after Council Resolution.**
- f) **All information obtained during the selection process shall be kept confidential by all members of the Interview Panel according to ethical principles.**
- g) **Unions will be allowed to comment on the panel decision if they wish.**
- h) **Internal candidates can appeal against the fairness of the process by means of the grievance procedure.**

7. APPOINTMENTS

- i) **The approval for the appointment of the Municipal Manager, Deputy Municipal Manager and the Head of Departments rest with the Council. The approval for the appointment/promotion of persons to all job levels in the Municipality's service, excluding the position of the Municipal Manager, Deputy Municipal Manager and the Heads of Departments, rests with the Municipal Manager after consultation with the Selection Panel. The Municipal Manager shall write a report to inform Council of the appointment that have been made.**
- ii) **The authority to negotiate remuneration packages with prospective applicants lies with the Municipal Manager in consultation with the Head of Finance, the Director - Corporate Services and the relevant Director. Relevant experience will be a deciding factor when determining the appropriate remuneration to be paid to a successful candidate.**
- iii) **Appointment requirements can only be waived subject to the reaching of an agreement in the Bargaining Council and only if the criteria that are agreed upon from time to time are adhered to.**
- iv) **A prospective candidate has the responsibility to:**
 - a) **Ensure that all relevant information is received by the Human Resources Department.**
 - b) **Provide original documents or certified copies of relevant documents before appointment (External candidates)**

8. MEDICAL EXAMINATIONS

- i) Medical examinations shall be handled in accordance with the Municipality's Conditions of Service and the provisions of the Employment Equity Act of 1998.
- ii) No person who's services were terminated due to medical grounds, shall be appointed permanently nor contractually in the Municipality's service.

9. SECURITY CLEARANCES

- i) Security clearances of applicants can be done before appointment in accordance with the discretion of the Municipal Manager or on request of the concerned Head of Department.

10. APPOINTMENT OF FAMILY MEMBERS

- i) Nepotism, i.e. the practice of employment whereby family relatives who are not suitably qualified, are appointed in preference to other applicants, will not be allowed.
- ii) Family relatives of existing employees who are not suitably qualified, who apply for employment will be dealt with in accordance with the Employment Policy in the same way as any other applicant.
- iii) All employees who are taking part in the process of pre-selection, interviewing and/of appointment of applicants in the position for which a family relative has applied for, should declare their interest in this regard and should recuse themselves from the process, where the family relative is involved.
- iv) With the appointment of family relatives of existing employees, care should be taken that relationships between parties do not directly or indirectly benefit or detrimentally affect one or all the parties.

11. APPOINTMENT OF EMPLOYEES ON A CONTRACT BASIS
(EXCLUDING ALL MANAGERS)

- i) A contract employee, according to labour legislation, means, temporary employee or a fixed-term employee appointed to a post on the staff establishment for a fixed period.
The contract either specifies the date of expiry of the employment term or Specifies some circumstances that will bring the contract to an end such as the completion of a project.

11. APPOINTMENT OF EMPLOYEES ON A CONTRACT BASIS
(EXCLUDING ALL MANAGERS) (Continue)

- ii) The Director of the relevant department shall write a letter to the Director - Corporate Services motivating about the appointment of a Contract employee and will submit all relevant documents required Except for ad-hoc contracts where the Municipal Manager will make a decision together with the affected Director.
- iii) The Director - Corporate Services shall consult with the Municipal Manager and the relevant Director, for the approval of the appointment of a Contract Worker and the Municipal Manager shall finalise the appointment.
- iv) That this decision must adhere to Section 2(i) Recruitment of the Employment Policy.
- v) People who are on learnerships or who are skills programmes and interns who are in the service of our Municipality will be considered as internal employees and will be allowed to apply for internal positions. (Excluding contractors)

12. PROBATIONARY EMPLOYEES

A probationary employee is an employee in all respects save that permanent and Continued employment is conditional on the satisfactory conclusion of the probationary period.

A newly employed person will be put on probation period not exceeding six months to enable the employer to assess the employee's ability to meet the required performance standards. The probation period may be extended for a further period not exceeding six months during which period the employee will be counselled and coached to improve his/her work performance. Should the work performance of the employment not improve, then dismissal will take effect after following the disciplinary procedures set down in the LRA.

13. APPOINTMENT OF PERSONS WITH CRIMINAL RECORDS

- i) Appointment of persons with a lesser criminal record can be authorised by the Municipal Manager and should be based on the merit of the applicant.
- ii) In establishing the merit of the application, the nature of the offence, the Municipality's responsibility towards its rate payers, the applicant's Constitutional rights and the legal prescriptions must be taken into account.

14. TRANSFERS AND SECONDMENTS

14.1 Transfers

- i) **Transfers may take place on request of the Council, the relevant Director of Department and if approved by the Municipal Manager in accordance with the following:**
 - a) **Must be on the same job level**
 - b) **Must be on the same job category**
 - c) **Designation(s) must be similar**
 - d) **Must have merit**
 - e) **Employee must agree**

14.2 Secondment

Secondment may take place on request of the individual/relevant Head of Department and if approved by the Municipal Manager, in consultation with the union in accordance with the following:

- a) **Employee must agree**
- b) **Acting allowance may be considered if warranted by the type of the secondment and approved by the Municipal Manager.**
- c) **Secondment period must be agreed between the employees and the relevant Head of the Department**

15. PLACEMENT OF STUDENTS FOR COMPULSORY/VOLUNTARY PRACTICAL WORK

- i) **The Head of Department and Municipal Manager, may decide on the placement of bursary students as well as students applying to do compulsory practical work (relevant to their studies)**
- ii) **A written contract shall be concluded between the student and the Corporate Services Department and no remuneration shall be paid for experiential training**
- iii) **Students with Council bursaries should receive preference above other students with regard to compulsory/voluntary practical work.**
- iv) **The formal temporary appointment of students as employees is done in accordance with approved recruitment and selection policy and procedures.**

16. EXPENSES

- i) Extra ordinary expenses relating to recruitment may be authorised by the Municipal Manager subject to the availability of funds and a report in this regard be submitted to Council.
- ii) Travelling expenses for external applications could be compensated within the discretion of the Municipal Manager taking into account: scarcity, proximity, special merit and affordability.
- iii) Appointees could be compensated for relocation expenses within the discretion of the Municipal Manager taking into account scarcity, proximity, special merit.

17. GRIEVANCES AND DISPUTES

All existing rights of employees will be maintained, bearing in mind the Conditions of Service pertaining to the various job categories.

In pursuance of this policy no employee shall suffer loss of employment or benefits as a result of the application of the principles of this policy

Any employee having a grievance which relates to the implementation of Affirmative Action Programmes, Equal Opportunity Employment or Alleged discrimination, shall lodge such grievance in the normal way through the existing grievance procedure.

Management responsible at each level of the grievance procedure, on receipt of a grievance relating to such matters, shall consult with the Employment Equity Steering Committee in considering the grievance.

In the event that such grievance remains unresolved (through the grievance procedure) the person or persons and his/her union as the case may be, may further process the matter through the existing negotiating and dispute resolution procedures.

Any matter which is alleged by either party to constitute unfair discrimination or material breach of this agreement shall be dealt with as if it were unfair labour practice in terms of the Labour Relations Act No 66 of 1995