

**RICHTERSVELD MUNICIPALITY**

**HUMAN RESOURCE POLICIES**

**3. EMPLOYMENT  
PRACTICE POLICY**

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HUMAN RESOURCE POLICY  
EMPLOYMENT PRACTICE**

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<b>Approved Date: 30/06/2022</b>	<b>Council Resolution Nr: RVM007/06/2022</b>
<b>Effective Date: 01 July 2022</b>	<b>Review Date: 30 June 2023</b>

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.

**Why have a policy?**

This policy is intended to create a framework for decision-making in respect of employment practice/s in the Municipality. As such it attempts to establish a set of rules for the consistent interpretation and application of collective agreements and legislation governing the acquisition of staff by the Municipality.

## THE POLICY

### 1. PREAMBLE

The staffing policy and its implementation will be fundamentally aimed at matching the human resources to the strategic and operational needs of the Municipality 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

- **“induction”** initiation: a formal entry into an organization or position or office.
- **“nepotism”** means favoritism on the basis of family relationship or friendship.
- **“candidate”** means an application for a post
- **“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 municipality in achieving its objectives.
- **“reference check”** means the gathering of information about candidates past history from people with whom such candidate has been associated.
- **“selection”** means the process of making decisions about the matching of candidates taking into account individual differences and the requirements of the job.
- All terminology not defined under clause of this policy shall bear the same meaning as in the applicable legislation.

### 3. LEGAL FRAMEWORK

- The responsibility for the appointment of personnel rest with the Municipal Manager of the Employer or his/her delegated assignee(s) in terms of section 55(1)(e) of the Local Government Municipal System Act, 2000 (Act 32 of 2000).
- 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)

### 4. SCOPE AND APPLICATION

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

### 5. OBJECTIVES OF POLICY

The Municipality 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 Municipality, its political structures and political

office-bearers as well as its employees, to comply at all times and without exception with the relevant legal prescripts governing the situation concerned.

This policy is further based on the principles set out below. Human resource management in the Municipality 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 a good human resource management and career development practices to maximize human potential; and
- f) Ensure that the Municipality's administration is broadly representative of the South-African people, with human resources management practices based on ability, objectivity, fairness and the need of redress the imbalances of the past to achieve broad representation.

## **6. POLICY CONTENT**

The responsibility for the appointment of personnel rest within the Municipal Manager of the employer or his delegated assignee(s) in terms of section 55(1)(e) of the Local Government: Municipal System Act, 2000 (Act 32 of 2000).

### **6.1 Post Establishment**

The Municipality will maintain a record of all approved post and shall monitor all appointments against post according to the approved staff establishment. Induction will be given to all new appointees.

The post structure is aligned with the municipal IDP and approved system of job evaluation (TASK) as defined by the South African Local Government Bargaining Council. Working contracts including a confidentiality clause will be given to all appointees and everyone must sign it in order to be held liable if not adhered to.

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

### **6.2 Recruitment – Refer Annexure A**

#### **6.2.1 Determining recruitment needs**

Prior to filling a post, the necessity for filling shall be assessed and motivated in writing by the Head of Department to the Municipal Manager or his delegate. Provide that the authority to fill vacancies can only be delegated to a Head of Department. The Head of Department will also determine whether a position should be advertised internally or externally.

### **6.2.2 Validation of inherent requirements**

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

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 Municipality.
- A statement that the Municipality subscribes to the principles of employment equity.
- The designation of the position that is advertised.
- 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 the Municipal Manager and a manager directly accountable to the Municipal Manager, a statement that the continued employment of the successful candidate will be subject to the annual conclusion of a performance agreement with the Municipality.
- The name and contact details of 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 must be delivered
- 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 30 days 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 System Act, as follows:

Nature of Post	Advertising Medium
Temporary elementary positions	Posters and internally
Permanent elementary occupations	Internally and Externally
Entry and middle level occupations	Internally and local newspaper
Senior management and professional Occupations	Internally, provincial and national newspapers.

#### **6.2.4 Unsolicited applications**

Unsolicited applications received during the course of the Municipality's operations must be returned forth with 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 will be applied with caution at all times, and it may be employed at any staged of the selection process, when the selection panel is of the opinion that the assessed candidates are not suitable and/ or do not meet the requirements of the employment equity plan.

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

#### **6.2.6 Application forms**

The Corporate Services Manager 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 Refer Annexure B**

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

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

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

Unless formal and 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 formal or statutory qualification are clearly justified as essential for the job, relevant of the job provided that selection process by job applicants, or any other person on behalf of job applicants, for post 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 Municipality shall be 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 both employees.

For the purpose of this policy, relatives are defined as husband and wives, parents and children, brothers, sisters, 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. Every applicant must ensure to fulfill in all aspects / qualification as set out in the advertisements, to be selected for a position.

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

- The Municipal Manager or his delegated assignee(s)
- Manager of Department\Section
- HR Department
- Employment Equity Officer

Labour Unions – may attend the proceedings as observers only.

#### **6.3.3 Compiling of master list**

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 Corporate Services Manager. The master list must contain, in table form, the following particulars in respect of each candidate:

- The applicants surname followed by her/his initials
- The applicants gender;
- The applicants race:

- The applicants qualifications and experience relevant to the job description and job specification; and
- If applicable, the nature of the applicants disability.

The Corporate Services Manager 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 Executive Committee.

The Corporate Services Manager must, during the compilation of the master list, take all reasonable steps and actions to establish the validity and accuracy of any certificates, diplomas and other information supplied by an applicant. If any candidate submitted or claimed that she/he had some or other certificate or diploma, qualification or experience that is disproved, such information must be noted next to the name of the candidate in the master list.

#### **6.3.4 Compiling short lists**

The departmental head concerned or the Executive Committee, as the case may be, must select from the master list, with due regards for the numerical goals set in the Municipality's employment equity plan not more than 6 applicants who in her/his 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
- Provincial applicants
- National applicants

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

#### **6.3.5 Notification of short listed candidates of selection proceeding**

The must notify every candidate whose name has been short listed of the venue, date and time and nature of the selection proceeding she/he must attend using the most reliable communications methods available.

#### **6.3.6 Interviewing in respect of vacancies – Refer Annexure C**

Except for appointments that must be made by the Council, the Corporate Services Manager 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 safe storage for a period of at least six months after an appointment decision has been made.

### **6.3.7 Conducting proficiency tests**

One or more relevant proficiency test (e.g. typing test, 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.

## **6.4 Appointment**

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

### **6.4.1 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 in two years after 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;
- Include a provision for 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 management standards and practices contained in section 51 of the Municipal System Act.

The annual performance agreement must be concluded within a reasonable time after a person has been appointed and, thereafter, on or before the 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 Municipality'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 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 the municipality's service delivery and budget implementation plan as required by the abovementioned Act.
- Copies of such performance agreements must be submitted to the Council and the MEC for local government in the province within thirty days after signing of the performance agreements

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

A person appointed to a temporary position –

- Is appointed at the salary applicable to a comparable position on the permanent establishment;
- May not receive any housing and traveling benefits;
- 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 Municipality's condition of service;
- May not be appointed for a period exceeding six (6) months and may not be appointed for consecutive period of six (6) months.
- Must ensure that they are registered on the database register.
- Contractors / Ward Committee members must also ensure that the database is used for temporary employment.

#### **6.4.3 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.

Any person employed in a post assigned at any Councilor must be appointed in terms of a written fixed term contract entered into with the Municipal Manager. The terms 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 fulltime councilor of the Municipality, whichever event happens first.

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

The Municipal Manager may after consultation with the relevant departmental heads and the Chief Financial Officer, 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 Municipality return to work; and
- Termination of any replacement labour employment shall be constitute a dismissal of the person concerned and that she/he shall not be entitled to any additional remuneration or compensation in respect of the completion of such period.
- The person's employment with the Municipality will come to an automatic end on expiry of the 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 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 in the vents of a termination based on an employer operational requirements.

#### **6.4.5 Appointment to a permanent position**

The Head of Corporate Services must present every newly appointed employee with a letter of appointment not later that the day on which he/she 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 to every such employee in a language that he/she understands.

##### **6.4.5.1 Probation**

Any permanent employee who is newly appointed must be appointed on probation. The appointing authority must determine the period of probation at the time of making the appointment having guard for the requirements of the positions concerned. Any appointment on probation must also comply with the relevant legal prescripts of the labour relations act, act 66 off 1995 and nay code of good practice published in terms of the aforementioned act.

The departmental head concerned must evaluate the progress and performance of an employee appointed on probation on a monthly basis according to such factors, objectives and criteria as may be prescribed in terms of the Richtersveld Municipality's employee performance appraisal system.

#### **6.4.5.2 Induction**

On permanent appointments the perspective HR Official will take full responsibility for induction:

- The new incumbent will be introduced to his/her immediate staff/colleagues by the HR Official
- The respective HR Official shall ensure in conjunction with the incompetent that all appointment documentations has been completed and processed.
- The responsible HR Official will arrange a tour/explanation for the new incumbent of the range of services
- The HR Official will explain and provide a copy of the job description relating to the new employees specific position/job function
- The HR Official will also explain and provide a copy of the council's human resources policy 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.

#### **6.5 Confidentiality**

By signing, the contract of employment the employee's 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 be during or after termination employment.

#### **7. Implementation and monitoring**

This policy implemented and effective once recommends by the local labour forum and approved by council.

#### **8. Communications**

This policy will be communicated to all Municipal employees using the full range of communication methods to the Richtersveld Municipality.

#### **9. Policy Review**

This policy will be reviewed annually and revised as necessary.

#### **10. Budget and Resources**

The financial and resource implications related to the implementation of this policy should be qualified and quantities.

## 11. Roles and responsibility

<b>SELECTION PANELS</b>	<b>SHORT-LISTS CONDUCTS INTERVIEWS AND MAKE RECOMMENDATIONS ON SUITABILITY OF CANDIDATES</b>
<b>Human resources</b>	<b>Custodian of recruitment selection interviews and make placement and induction processes of the FDDM and equality assurance</b>
<b>Labour representatives</b>	<b>Ensures transparency and openness in the selection processes</b>

<b>ROLE</b>	<b>RESPONSIBILITY</b>
<b>Municipal Manager</b>	<b>Approves the establishment and all appointments other than section 57 posts.</b>
<b>Council</b>	<b>Develops the strategy and approves recommendation of the selection panels in respect of appointments on the job levels relating the Municipal Manager and section 57 employees</b>
<b>Line Director</b>	<b>Reviews the operations needs for advertising the positions and appoints in terms of authority and delegations by the Municipal manager</b>

## 12. Record keeping

Adequate records of the entire need to be maintained, including selection and short-listing criteria, reasons for inclusion/exclusions of candidates, structured interview guide copies of all other utilized, comprehensive notes on assessment of each candidate assessment ratings, reference checks. As in the recruitment process, these need to be maintained for the prescribed period.

## 13. Penalties

Non-compliance to any of the stipulations in this policy will be regarded as misconduct, which will be dealt with in terms of the disciplinary code.

## 14. Dispute resolutions

Internal dispute resolutions processes shall be allowed in the event of any grievances and dispute arising out of the implementation of this policy. For all external candidates, the recognized labour relations mechanisms shall be applied.

15. AUTHORITY

MM Approval:

A handwritten signature, possibly 'Moe', is enclosed within a hand-drawn circle. The signature is written in black ink and appears to be a stylized name.

Date: 30/06/2022