



on the Go for Growth

EMPLOYMENT PRACTICES POLICY

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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.

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 Waterberg District 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 applicant 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 candidate’s 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 2 of this policy shall bear the same meaning as in the applicable legislation.

3. LEGAL FRAMEWORK

- The responsibility for the appointment of personnel rests 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 Systems 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 Waterberg District Municipality. This policy will not apply to appointments arising out of a procurement process and acting appointments.

5. OBJECTIVES OF POLICY

The Waterberg District Municipality recognises 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 resources management in the Municipality must –

- 5.1 be characterised by a high standard of professional ethics;
- 5.2 promote the efficient, economic and effective utilisation of employees;
- 5.3 be conducted in an accountable manner;
- 5.4 be transparent;
- 5.5 promote good human resource management and career development practices, to maximise human potential; and
- 5.6 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 to redress the imbalances of the past to achieve broad representation.

6. POLICY CONTENT

The responsibility for the appointment of personnel rests with the Municipal Manager of the employer or his 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 Municipality 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 IDP and approved system of job evaluation (TASK) as defined by the South African Local Government Bargaining Council.

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 made through the Municipal Manager or his delegated authority and approved by Council.

6.2 Recruitment

All recruitment for Municipal Manager and section 57 Managers must adhere to the Municipal Systems Amendment Act No. 7 of 2011 and Regulations on appointment and conditions of employment of senior managers.

6.2.1 Determining recruitment needs

Prior to filling a post, the necessity for filling shall be assessed and motivated in writing using the Human Resource Requisition Form obtainable from HR Division, by the Head of Department to the Municipal Manager or his 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 Municipality and must be appropriate to achieve the service delivery interests 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 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 30 days his/her application was unsuccessful.
- A statement that email and faxed applications will not be considered
- A statement that all qualifications and employment background check will be conducted.

Vacancies must be advertised internally and may at the same time be advertised externally, provided that external advertisements may only be published in a newspaper of record in terms of section 21(1) of the Municipal Systems Act, as follows:

Nature of Post	Advertising Medium
Temporary elementary positions	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

6.2.4 Unsolicited applications

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

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 stage 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 allowing them to apply of their own accord, unless otherwise the selection panel so decide.

6.2.6 Application forms

The Manager Corporate Support and Shared 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

All selection criterions for Municipal Manager and section 57 Managers must adhere to the Municipal Systems Amendment Act No. 7 of 2011 and Regulations on appointment and conditions of employment of senior managers.

Selection criteria shall be objective and related to the inherent requirements of the job and 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 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.

6.3.2 Nepotism

The basic criteria for the appointment and/or promotion of employees in the Municipality 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.

For the purpose of this policy, relatives are defined as husbands and wives, parents and children, brothers, sisters, and any in-laws of any of the foregoing. It the responsibility of the Municipal Manager or his delegate to establish the selection panel for all positions below s57.

6.3.3 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 cognisance of the post):

- The Municipal Manager or his delegated assignee(s)
- Manager of Department/Section or his delegated assignee (s)

- HR Division
- Labour Unions – may attend the proceedings as observers only.

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 Human Resource Division in Corporate Support and Shared Services.

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

- the applicant's surname followed by her/his initials
- the applicant's gender; (for equity purpose only)
- the applicant's race; (for equity purpose only)
- Location of the applicant
- the applicant's qualifications and experience relevant to the job description and job specification; and
- if applicable, the nature of the applicant's disability
- any other applicable information required depending on the requirements of the post advertised e.g. registration with a professional body, driver's license etc.

The Manager Corporate Support and Shared Services must submit the master list to the Municipal Manager or his delegate and in a case of Municipal Manager and Manager directly accountable to the Municipal Manager, to the Executive Mayor.

The Manager Corporate Support and Shared Services must, during the compilation of the master list, take all reasonable steps and actions to establish the accuracy of any information supplied by applicants.

6.3.5 *Compiling short lists*

The established panel members must select from the master list, with due regard for the numerical goals set in the Municipality's employment equity plan a minimum of 4 and up to 10 depending on the advertised post who in their opinion would be the most suitable candidates to be subjected to the interview process.

Short listing must be done in accordance with the following order of preference (based on the requirements of the advertised post)–

- Internal applicants

- Local applicants
- Provincial applicants
- National applicants

The HR Division must prepare a shortlisting report as per the recommendation of the panel for the recommendation of Manager CSSS and approval of the Municipal Manager or to Council, as the case may be, must also submit the particulars of the short listed candidates to the Municipal Manager.

6.3.6 Notification of short listed candidates of selection proceedings

The HR Division through the Manager Corporate Support and Shared Services must notify every candidate whose name has been short listed of the venue, date and time and nature of the selection proceedings she/he must attend using the most reliable communications methods available.

6.3.7 Interviewing in respect of vacancies

The shortlisting panel must conduct interviews for all positions they were part of its shortlisting.

Completed score sheets and recommendations must be kept in safe for a period of at least six months after an appointment decision has been made. No replacement will be allowed during the interview process unless through termination of service or death. Not less than three panel members must interview applicants. The HR Division must prepare interview report as per the recommendation of the panel; for the recommendation of Manager CSSS and approval of the Municipal Manager or to Council, as the case may be, must also submit the particulars of the interviewed applicants to the Municipal Manager

6.3.8 Conducting proficiency tests

One or more relevant proficiency tests (e.g. typing tests, driving and operating a fire truck 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.

6.3.9 Employment reference check and qualifications verifications

All applicants to sign a consent form to have their submitted qualifications verified either by the service provider appointed by the municipality or HR personnel.

6.3.10 Competency Assessment

All posts at Top and Senior Management will be subjected to a competency assessment as required by the MSA in order to ascertain the competency level of the preferred candidate to the post. The results of the exercise will be consolidated with the results of the interview session in order to recommend a suitable candidate for appointment in the post.

6.4 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.

6.4.1 Appointment for a fixed term

A person appointed as –

- Municipal Manager,
- Manager directly accountable to the Municipal Manager.

All appointments of the above shall be in compliance to ***the Municipal Systems Amendment Act No. 7 of 2011 and Regulations on appointment and conditions of employment of senior managers.***

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 Municipality, provided that the term of any person appointed to work directly under the supervision and command of a political office-bearer or other councillor 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 the management standards and practices contained in section 51 of the Municipal Systems Act.

- The annual performance agreement must be concluded within three months after a person has been appointed and, thereafter, on or before 31 July each year.
- Copies of such performance agreements must be submitted to the council and the MEC for local government in the province.

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 travelling 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 Municipality'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.**

6.4.3 Appointment of personnel in the office of any councillor

- Only a full-time political office-bearer is entitled to one or more employees being assigned to her/him.
- Any person employed in a post assigned to any Councillor must be appointed in terms of a written fixed term contract entered into with the Municipal Manager.
- The term of an appointment in terms of this paragraph expires automatically when the councillor to whom the employee had been assigned, ceases to be a councillor, political office-bearer or a fulltime councillor 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 not constitute a dismissal of the person concerned and that she/he shall not be entitled to any additional remuneration or compensation in respect of the completion of such period.
- The person's employment with the Municipality will come to an automatic end on expiry of the term and such termination shall not be construed as a termination based on the Municipality's operational requirements, nor as an unfair dismissal.
- Accordingly, reference in this paragraph to additional remuneration or compensation to which the person shall not be entitled, includes but is not limited to, severance pay, notice pay, retirement and medical aid fund benefits to which an employee may otherwise be entitled to in the event of a termination based on an employer's operational requirements.

6.4.5 Appointment to a permanent position

- The Manager Corporate Support and Shared 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 Manager Corporate Support and Shared 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.

6.4.6 Probation

- Any permanent employee who is newly appointed must be appointed on probation. The period of probation at the time of making the appointment having regard for the inherent requirements of the position concerned must not be less than six months or more than 12 months or as determined by any legislation or collective agreement.
- Any appointment on probation must also comply with the relevant legal prescripts of the Labour Relations Act, Act 66 of 1995 and any Code of Good Practice published in terms of the aforementioned Act.
- The departmental head concerned must evaluate the progress and performance of an employee appointed on probation on a monthly basis.

6.4.7 Induction

On permanent appointments, the Human Resource Division will take full responsibility for induction:

- The new incumbent will be introduced to his / her immediate staff / colleagues by the HR Division.
- The HR Division shall ensure, in conjunction with the incumbent, that all appointment documentation has been completed and processed.
- The HR Division will arrange a tour / explanation for the new incumbent of the range of services.
- The Departmental Head will explain and provide a copy of the job description relating to the new employee's specific position / job function (supervisor is expected to conduct a full job orientation).
- The HR Division will explain and provide a copy of the Councils Human Resources Policy, code of conduct etc.

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 Relocation of Newly Appointed Employees

- The Municipality shall pay 75% of new employee's cost of moving from another place to a place closer to her/his workplace on her/his appointment, but excluding any packing and packaging cost.
- Supply chain division will handle all appointment of service providers for relocation of newly appointed staff.
- The employee must reimburse the full amount of the subsidy to the Municipality if her/his employment with the Municipality is terminated for whatever reason either than death within one year after the subsidy had been paid. If her/his employment with the Municipality is terminated for whatever reason either than death after completion of one year, but before two years have been completed, the employee must reimburse the Municipality for 50% of the subsidy.

6.6 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 be during or after termination of employment.

7. IMPLEMENTATION AND MONITORING

This policy will be implemented and effective once recommended by Local Labour Forum, Approved by Council and signed by the Municipal Manager or his delegate. All previous policies/practices regarding recruitment, selection and appointments of personnel in permanent or temporary posts be rescinded.

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

This policy will be reviewed annually and revised as 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

Role	Responsibility
Municipal Manager (subject to its delegations if any)	Develop staff establishment. Appointments of all other personnel other than section 57 posts
Council	Approve staff establishment and establish panel for senior posts. Approves recommendations of the selection panels in respect of appointments on job levels relating to the Municipal Manager and Section 57 Employees
Departmental Managers	Reviews the operational needs for advertising the positions

Selection Panels	Short-lists, conducts interviews and make recommendations on suitability of candidates
Human Resources Division	Custodian of recruitment, selection, placement, appointment and induction processes of the WDM and quality assurance
Labour Representatives	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;
- copies of all other assessments utilised;
- assessment ratings; reference checks.

13. PENALTIES

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

14. DISPUTE RESOLUTION

Internal dispute resolution processes shall be followed in the event of any grievances and disputes arising out of the implementation of this policy. For all external candidates, the recognized labor relations mechanisms shall be applied.

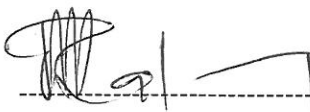
15. AUTHORITY

Adopted by council at its meeting held on 30 May 2017

Resolution number A078/2017

Signed at Modimolle on _____

Date of implementation 01 July 2017



 MUNICIPAL MANAGER