
ELIAS MOTSOLEDI LOCAL MUNICIPALITY-MASEPALA WA SELEGAE



RECRUITMENT, SELECTION AND APPOINTMENT POLICY

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1. DEFINITIONS

All terminology used in this policy shall bear the same meaning as in the applicable legislation unless definition below states otherwise:

“bargaining council” means the bargaining council established for municipalities as contemplated in section 71 of the Municipal Systems Act;

“Basic Conditions of Employment Act” means the Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997);

“competency” means the skills, knowledge, experience and qualifications that are required to perform a job effectively;

“Constitution” means the Constitution of the Republic of South Africa, 1996;

“Employment Equity Act” means the Employment Equity Act, 1998 (Act No. 55 of 1998);

“financial misconduct” means any misappropriation, mismanagement, waste, or theft of funds of a municipality or municipal entity, and also includes any form of financial misconduct specifically set out in sections 171 and 172 of the Municipal Finance Management Act;

“financial year” means the financial year of a municipality as prescribed in terms of the Municipal Finance Management Act;

“grievance” means any dissatisfaction, perceived or otherwise, on the part of a staff member arising from factors that include a staff member’s job, working environment or the municipality’s employment practices;

“job” means the basic duties, functions, tasks, competency requirements and responsibilities according to which one or more posts of the same grade are established;

“job evaluation” means the systematic process of assessing the job content and ranking jobs according to a consistent set of job characteristics to create a job worth hierarchy that determines and illustrates where each job fits in the municipality relative to other jobs in the municipality;

“municipality” means Elias Motsoaledi Local Municipality

“notch increase” means the salary notch between a staff member’s current salary and the salary at the next notch on the salary scale at the same job level;

“performance agreement” means a written agreement concluded annually between a municipality and a staff member that sets out the agreed KPAs and KPIs within a performance cycle;

“POB” means political office bearer;

“post” means a position to which a person is appointed on the approved staff establishment for which financial provision exists;

“regulations” means Local Government: Municipal Staff Regulations of 20 September 2021.

“salary scale” means the minimum and maximum salary that may be payable for the job level;

“senior manager” means a municipal manager or acting municipal manager, appointed in terms of section 54A of the Municipal Systems Act and a manager or acting manager directly accountable to a municipal manager appointed in terms of section 56 of the Municipal Systems Act;

“staff establishment” means the approved jobs and number of posts created for the normal and regular requirements of a municipality, also referred to as the organizational structure or organogram;

“staff or staff member” means an employee of the municipality, but excludes senior managers;

“supervisor” means a staff member’s line manager; and

“working days” means days upon which a staff member ordinarily works.

Words importing the masculine gender shall include the feminine, and *vice versa*;

2. PREAMBLE

- 2.1. To inform recruitment, selection and appointment of staff aligned to the Municipality's goals, objectives and relevant prescripts; and
- 2.2. To give effect to the spirit, purport and objects of the Local Government: Municipal Staff Regulations of 20 September 2021.

3. PURPOSE AND OBJECTIVES OF THE POLICY

- 3.1. The purpose of this Recruitment, Selection and Appointment Policy is to provide a framework for implementing -
 - (i) objectives of Section 195(1)(i) of the Constitution of the Republic of South, 1996;
 - (ii) purpose of the National Skills Development strategy; Skills Development Act 97 of 1998; Skills Development Levies Act 9 of 1999
 - (iii) Local Government: Municipal Staff Regulations of 20 September 2021; and
 - (iv) monitoring Affirmative Action measures, promoting fairness and equal opportunity.

4. LEGAL FRAMEWORK

- 4.1. The Municipality's Recruitment, Selection and Appointment Policy is mandated and informed by the following legislations and sources:

- Constitution of the Republic of South Africa, 1996;
- Employment Equity Act 55 of 1998;
- Labour Relations Act 66 of 1995;
- Basic Conditions of Employment Act 75 of 1997;
- Promotion of Equality and Prevention of unfair Discrimination Act 4 of 2000;
- Occupational Health and Safety Act 85 of 1993;
- Local Government: Municipal Systems Act 32 of 2000;
- Local Government: Municipal Structures Act 117 of 1998;
- Local Government: Municipal Finance Management Act 56 of 2003;
- Skills Development Act 97 of 1998;
- Skills Development Levies Act 9 of 1999;
- South African Qualifications Authority Act 58 of 1995;
- Local Government: Municipal Staff Regulations of 20 September of 2021;
- All relevant collective agreements;
- National Skills Development Strategy; and
- National Qualifications Framework.

5. SCOPE AND APPLICATION

- 5.1. This Policy applies to:
 - appointments of staff members of Elias Motsoaledi Local Municipality,
 - appointment of interns of Elias Motsoaledi Local Municipality: Provided that interns are appointed on a fixed term contract not exceeding a period of twenty-four (24) months.
- 5.2. Unless otherwise specified in this Policy, the Policy does not apply to:

- all senior managers; and
- persons participating in the national public works programme or a similar scheme.

6. STAFF ESTABLISHMENT, JOB DESCRIPTION AND JOB EVALUATION

6.1 Human resource planning

- (1) This Clause 6 applies to all municipal staff, including senior managers.
- (2) The municipal council must —
 - (a) determine the municipality's staff establishment, which will provide the basis for each departments' strategic workforce and human resource planning. The human resource planning will, in the staff supply planning process, take into account race, gender, disability, occupational level and grade with reference to their competencies, training needs and capacities;
 - (b) determine the staff establishment necessary to perform its functions which will guide the staff demand planning, with particular reference to—
 - (i) the number of staff members required;
 - (ii) the minimum competencies which the staff members must possess;
 - (iii) the posts and post levels in which each of the staff members will be appointed; and
 - (c) plan for the recruitment, retention and development of staff members according to the municipality's requirements within the available budgeted funds, including funds for the remaining period of the relevant medium-term revenue and expenditure framework.
- (3) The plan referred to in Clause 6(2)(c) must—
 - (a) further to staff establishments, be aligned to the municipality's integrated development plan, budget, employment equity plan, skills development strategy and workplace skills plan, as contemplated in Chapter 5 of the Local Government: Municipal Staff Regulations of 20 September of 2021;
 - (b) set realistic goals and measurable targets for achieving representativeness, taking into consideration sub-regulation (4);
 - (c) include targets for the training of staff members per occupational category and of specific staff members, with specific plans to meet the training needs of historically disadvantaged persons; and
 - (d) provide mechanisms and procedures for dealing with staff members affected by abolition of unnecessary posts in terms of the Labour Relations Act.

- (4) The municipality, in consultation with the parties identified in section 16 of the Employment Equity Act, must develop and implement an affirmative action programme, which must contain, as a minimum, the following:
- (a) A policy statement that sets out the municipality's commitment to affirmative action and how that policy will be implemented;
 - (b) numeric and time-bound targets for achieving representativeness;
 - (c) annual statistics on the appointment; training and promotion within each grade of each occupational category of historically disadvantaged persons; and
 - (d) a plan for redressing numeric under-representativeness and supporting the advancement of historically disadvantaged persons.
- (5) The municipality must make the human resource plan and the affirmative action programme known to staff members within the municipality in a manner that is accessible to all staff members.

7. Determination of staff establishment

- (1) The municipality may, within its administrative and financial capacity —
- (a) establish separate departments for—
 - (i) the development and town planning functions;
 - (ii) the provision of municipal public works and basic services to communities;
 - (iii) the provision of community services;
 - (iv) the management of the municipality's finances; and
 - (v) provision of corporate support services.
 - (b) provide capacity to support—
 - (i) the offices of public office bearers; and
 - (ii) the office of the municipal manager.
- (2) The organization design metrics with the four key dimensions of the organization design as set out in the table below must be applied by the municipality when determining the staff establishment.

Dimension	Category B
Structural layers	Five to Seven (5-7) layers.
Structural shape	Strategic: 1% Managerial / Specialist: 1% - 15% Operational: 85% - 95%
Span of control	Municipal Manager: 6 - 8 Directors: 5 – 7 Divisional Managers: 5 – 6 Managers: 5 – 6

	Supervisors: 9 –15
Core to support employee ratio	Core to support employee ratio of 70:30 The ratio is based on actual headcount and not number of roles

(3) The number of posts as set out in Annexure F of the Local Government: Municipal Staff Regulations of 20 September of 2021 may be provided on the approved staff establishment of the offices of the political office bearers, subject to the category, size and affordability of municipality, including approval by council of the municipality.

(4) Unless specified, personal security of POBs is subject to a threat and risk analysis conducted by the South African Police Service.

(5) The municipality may, in exceptional circumstances and upon good cause shown, and in consultation with the relevant MEC for local government, deviate from the requirements of Clause 7(1) above and Sub-regulation (3) of the Local Government: Municipal Staff Regulations of 20 September of 2021 after considering the following factors:

- (a) The category or type of the municipality;
- (b) the duties and functions of the municipality;
- (c) the gross income, the area of jurisdiction and the nature of the settlement within the municipality;
- (d) the financial capacity of the municipality, with the wage and salary bill not exceeding financial ratios and norms as set out in terms of Municipal Finance Management Act.
- (e) the need for the promotion of equality and uniform norms and standards.

8. Procedure for determining staff establishment

- (1) The municipal manager must review the staff establishment of a municipality having regard to—
 - (a) Local Government: Municipal Staff Regulations of 20 September of 2021;
 - (b) the matters listed in Part B of Schedule 4 to the Constitution of the Republic of South Africa, 1996 and Part B of Schedule 5 to the Constitution of the Republic of South Africa, 1996;
 - (c) Chapter 5 of the Local Government: Municipal Structures Act 117 of 1998; and
 - (d) the municipality's strategic objectives, including its core and support functions, within 12 months of one of the following:
 - (i) the promulgation of the Local Government: Municipal Staff Regulations of 20 September of 2021;
 - (ii) the election of a new municipal council; or
 - (iii) the adoption of a new integrated development plan of the municipality as contemplated in section 25 of the Local Government: Municipal Systems Act 32 of 2000;
 - (iv) changes to the powers and functions of a municipality; and
 - (v) the determination of new municipal boundaries.
- (2) The Local Government: Municipal Staff Regulations of 20 September of

2021 provides that a municipality that has reviewed its staff establishment two years before the promulgation of these Regulations, is exempted from the provisions of sub-regulation (1)(d).

(3) The municipal manager must review the draft staff establishment in consultation with recognised trade unions within the local labour forum.

(4) The municipal manager must within 30 days of reviewing the staff establishment, submit a report and the proposed staff establishment for approval by the municipal council.

(5) The municipal manager's report to the municipal council must—

- (a) outline the process followed in drafting the staff establishment;
- (b) set out the mandate and service delivery priorities for the municipality and how the proposed staff establishment addresses these;
- (c) summarise the proposed posts that will—
 - (i) materially change;
 - (ii) change to a limited or non-material degree;
 - (iii) be abolished; and
 - (iv) not be affected by the changes;
- (d) motivate any proposed changes and link it to the strategic drivers within the Integrated Development Plan, including an analysis of the strengths, weaknesses and limitations of the current establishment;
- (e) provide details of the financial implications of the changes, including but not limited to the outcomes of job evaluation processes, staff remuneration costs, costs for the relocation of staff, if any, and costs of new facilities and equipment, if any;
- (f) outline the non-financial implications of the changes, including the impact on existing staff and key stakeholders within the municipality;
- (g) propose an implementation plan with specific timeframes within which the new staff establishment will take effect; and
- (h) outline the stakeholder and change management requirements.

(6) The municipal council must, upon receipt of the review report and proposed staff establishment, at its next meeting or as soon as practicable, approve the staff establishment, with or without amendments by the municipal manager for the purpose of submitting it to the relevant MEC for local government.

(7) Within 14 days of the municipal council approving the submission referred to in sub-regulation (4), the municipal manager must submit to the MEC a copy of the —

- (a) staff establishment;
- (b) council resolution; and
- (c) reports informing the staff establishment, if any.

(8) Within one month of receiving, the documents referred to in Clause 8(7),

the MEC must consider the proposed staff establishment and submit comments to the municipal council.

- (a) If the MEC does not provide comments within the period referred to in Clause 8(8), the municipal council may finally approve the municipality's staff establishment.
 - (b) The municipal council must consider any comments received from the MEC and thereafter adopt the staff establishment.
- (9) Within 30 days of the municipal council finally adopting the staff establishment, the mayor must submit to the MEC—
- (a) a copy of the adopted staff establishment;
 - (b) the council resolution adopting the staff establishment;
 - (c) the reports informing the staff establishment, if any; and
 - (d) the reasons for rejecting the MEC's submissions, if any.

9. Job description

- (1) Every job on the staff establishment of the municipality must have written job description.
- (2) The municipality must keep a record of all updated job descriptions for all posts.
- (3) The incumbent or the representative of that job and the immediate supervisor or supervisor representative of that job, in consultation with the relevant head of department and the human resources department must develop, and where appropriate, review a job description when there are substantial changes to the job.
- (4) A job description must contain at least the job title, purpose of the job, the location of the job on the staff establishment, key responsibilities, competencies and minimum requirements of the relevant job.
- (5) A job description may be reviewed at least once every five years following the reorganisation of the municipal administration resulting in permanent substantial changes to the jobs to ensure that the job description remains relevant and current.

10. Establishment of standards for job descriptions

- (1) The municipality should take notice of the —
 - (a) guidelines and criteria for job descriptions developed by the Minister responsible for local government, collect and promote the use of sample job descriptions reflective of the spectrum of jobs in local government.

11. Job evaluation

- (1) All jobs in a municipality must be graded through a job evaluation process.
- (2) Job evaluation is the grading of jobs according to a specifically planned procedure and reliable methodology in order to determine the relative worth of each job in the municipality.
- (3) Job evaluation process involves the evaluation of the job and not the person performing the job.
- (4) Jobs must be evaluated—
 - (a) upon completion of the review of the staff establishment;

- (b) within six months of a material change to the job content or job requirements; or
 - (c) before a new post is filled.
- (5) A detailed job description needs to be available before initiating the process of job evaluation.
- (6) Job evaluation must be conducted based on actual and current activities of the job and not on future projections.
- (7) Job evaluation processes must—
 - (a) provide the basis for the accurate measurement of defined activities or roles;
 - (b) establish a job worth hierarchy in terms of where jobs should be placed in the municipal staff establishment;
 - (c) provide a rational basis for designing and maintaining an equitable pay structure;
 - (d) provide the basis to manage internal relativity of jobs according to different levels of complexity of jobs; and
 - (e) provide the basis for consistent decision-making processes regarding the grading of jobs.

12. Principles

The recruitment, selection and appointment of a staff member to a post on the staff establishment must—

- (a) comply with the requirements of the municipality's Employment Equity Policy and Plan: Provided that if a municipality is unable to adhere to the Employment Equity Plan due to specialised scarce skills required for a specific post, the municipality must record reasons for deviation from the policy;
- (b) be integrated with other human resource management systems and procedures;
- (c) use objective competencies specified in the Local Government: Municipal Staff Regulations of 20 September 2021; and
- (d) be filled through advertising in accordance with regulation 14 of the Local Government: Municipal Staff Regulations of 20 September 2021.

13. Determination of recruitment needs

- (1) The municipality must—
 - (a) develop the strategy to—
 - (i) fill funded vacancies; and
 - (ii) reduce turnaround times for filling of approved vacant funded posts;
 - (b) fill all funded vacant posts on the staff establishment within six (6) months of a funded post becoming vacant.
 - (c) At all times have the capacity and capability to perform its functions.
- (2) The strategy contemplated in Clause 13(1)(a) must include timeframes for the various activities included in the recruitment and selection processes.
- (3) A vacant post on the staff establishment may not be filled unless—
 - (a) The municipal manager or a staff member to whom this function is delegated has approved the filling of the post; and

- (b) The post is budgeted for.
- (4) Deviation from Clause 13(1) may be granted on the following grounds:
 - (a) budget cut requiring prioritization of personnel expenditure;
 - (b) Impending re-structuring exercise; and
 - (c) Alternative staffing solutions are adopted.

14. General requirements for appointment of staff

- (1) No person may be appointed as a staff member on a fixed-term contract, permanent basis, or probation, to any post on the approved staff establishment of the municipality, unless he or she—
 - (a) is a South African citizen, permanent resident or foreign national with a valid work permit; and
 - (b) possesses the relevant competencies, qualifications and experience, as set out in Annexure A of the Local Government: Municipal Staff Regulations of 20 September 2021.

15. Competency requirements for staff

- (1) A person appointed as staff member in terms of this Policy read together with of the Local Government: Municipal Staff Regulations of 20 September 2021 must, where applicable—
 - a) have the necessary competencies; and
 - b) comply with the minimum requirements for education qualifications, work experience and knowledge as set out in Annexure A of the Local Government: Municipal Staff Regulations of 20 September 2021.
- 2) A staff member who was appointed before the Local Government: Municipal Staff Regulations of 20 September 2021 came into effect and who does not meet the minimum competency requirements of the relevant post as prescribed, shall be deemed to be meeting the requirements of the post. Despite this provision, the municipality may place a staff member on a programme to acquire the competency requirements as prescribed in order for the staff member to be eligible for career opportunities in the municipality.
- 3) If a staff member has not attained the competencies as prescribed in this Policy read together with the Local Government: Municipal Staff Regulations of 20 September 2021, the municipality must utilise the workplace skills plan to identify and address the staff member's competency gaps and development needs.
- 4) Bearing in mind that the Local Government: Municipal Staff Regulations of 20 September 2021 provides that the Minister may issue a notice in the gazette determining uniform competency-based assessment for specific occupational streams.
- 5) The municipality must subject a staff member to a competency assessment for specific occupational streams as determined by the Minister in terms of sub-regulation 13(4) of the Local Government: Municipal Staff Regulations of 20 September 2021.

16. Advertising of vacant post

- 1) The municipality must advertise a post after the approval referred to in Clause 13(3)(a) of this Policy read together with the Local Government: Municipal Staff Regulations of 20 September 2021 has been obtained.
- 2) The advertisement must at least specify the—
 - a) job title;
 - b) term of appointment;
 - c) place of work;
 - d) applicable salary scale or pay range;
 - e) competency requirements of the post, and where applicable the minimum qualifications and experience as set out in Annexure A of the Local Government: Municipal Staff Regulations of 20 September 2021;
 - f) inherent requirements of the job;
 - g) summary of the core functions;
 - h) need for signing an employment contract and, where applicable, a performance agreement and disclosure of benefits and interest;
 - i) address where applications must be sent;
 - j) place where applicants can obtain the application form;
 - k) contact person;
 - l) where necessary, the need to undergo screening and vetting; and
 - m) closing date for submission of applications.
- 3) If the municipality does not have the capacity to manage recruitment processes, it may appoint a recruitment agency to undertake the recruitment processes including—
 - a) response handling;
 - b) compilation of—
 - (i) long list of all applicants who applied for the advertised post;
 - (ii) preliminary list of applicants who meet the requirements;
 - (iii) list of applicants who do not meet all requirements but have the potential; and
 - (iv) list of applicants who do not meet the requirements: Provided that the advertising and recruitment procedures comply with the provisions of Local Government: Municipal Staff Regulations of 20 September 2021 and the Local Government: Municipal Systems Act 32 of 2000.
- (4) The recruitment agency contemplated in sub-regulation (3) of Local Government: Municipal Staff Regulations of 20 September 2021 shall not undertake the selection process.
- (5) An advertisement contemplated in sub-regulation (2) may be utilized to create a pool of potential candidates valid for a period not exceeding six months from the date of advertisement to fill any other vacancy in the relevant municipality if—
 - (a) the job title, core functions, inherent requirements of the job and the salary level of the other vacancy is the same as the post advertised; and
 - (b) the recruitment process contemplated in the Local Government: Municipal Staff Regulations of 20 September 2021 has been complied with.

- (6) A municipality may advertise any funded vacant post, as a minimum, within the municipality, but may also advertise such post—
- (a) locally; or
 - (b) nationwide.

17. Application for vacant post

- (1) An application for a vacant post must be made on the form that is attached as Annexure B of Local Government: Municipal Staff Regulations of 20 September 2021.
- (2) Despite sub-regulation (1), a municipality may use an on-line application form that contains the information in Annexure B and is consistent with the of Local Government: Municipal Staff Regulations of 20 September 2021.
- (3) An applicant for a post must disclose—
- a) his or her qualifications and experience;
 - b) his or her contactable references;
 - c) his or her registration with a relevant professional body, if applicable;
 - d) full details of any dismissal for misconduct or substandard performance; and
 - e) any disciplinary actions, whether pending or finalized, instituted against the applicant in his or her current or previous employment.
- (4) Any misrepresentation or failure to disclose material information contemplated in sub-regulation (3) and the application form, is a breach of the Code of Conduct for Municipal Staff as provided for in Schedule 2 of the Local Government: Municipal Systems Act 32 of 2000.
- (5) Applications not made on the prescribed application form will render any appointment or contract entered into, between the municipality and the successful candidate invalid.
- (6) The municipality must maintain a record of all applications received and the information contained in the applications must be kept confidential and stored in a secure place on the municipality's premises. A record of applications shall be disposed of in terms of the National Archives and Record Service of South Africa Act, 1996.
- (7) The record must contain—
- a) the applicants' biographical details and contact information;
 - b) the details of the post for which the applicants were applying;
 - c) the applicants' qualifications; and
 - d) any other requirements outlined in the application form.

18. Selection panel

- 1) A municipal manager or his or her delegate must appoint a selection panel for each of the advertised post to recommend the appointment of a suitable person to the vacant post.
- 2) The selection panel must comprise of at least 3 but not more than 5 members.
- 3) The chairperson of the panel must be the supervisor or a staff member employed at least one job grade higher than that of the advertised post.
- 4) In deciding on the composition of the selection panel, the municipal

manager must have regard to the following considerations:

- a) The nature of the post;
 - b) the gender and race balance of the panel; and
 - c) the skills, expertise, experience and availability of the persons to be involved.
- (5) A member of a selection panel must—
- a) disclose any interest or relationship with shortlisted candidates during the short listing process;
 - b) recuse himself or herself from the selection panel if—
 - c) his or her spouse, partner, close family member or close friend has been shortlisted for the post;
 - d) the panel member has a *de facto* relationship or some form of indebtedness to a shortlisted candidate or vice versa; or
 - e) any other conflict of interest; and
 - f) sign a declaration of confidentiality as set out in Annexure C of Local Government: Municipal Staff Regulations of 20 September 2021 to avert the disclosure of information to unauthorized persons.
- (6) If a union representative is allowed to attend interviews as an observer, he or she must sign the declaration as set out in Annexure C to prevent the disclosure of information to unauthorized persons.
- (7) The head of human resource or his or her delegate must facilitate and provide advisory services during the selection process to ensure compliance with Local Government: Municipal Staff Regulations of 20 September 2021 in the recruitment and selection process.
- (8) A staff member delegated to provide secretarial services during the selection process may not form part of the selection panel.
- (9) Each panel member must disclose potential conflict to be considered by the full selection panel at the initial meeting of the panel.
- (10) If a conflict of interest becomes apparent during the selection process, the municipal manager or his or her delegate may take the appropriate steps to remedy the situation, which may include declaring the selection process invalid and commencing a new process.
- (11) If a conflict of interest becomes apparent after the appointment, the municipal manager or his or her delegate must report the matter to the relevant delegated authority which must take remedial action and, where necessary, disciplinary action.

19. Shortlist of applicants

- (1) The municipality must compile a list of all applications received for the post evaluated against the relevant competency requirements for the post.
- (2) The selection panel must compile a shortlist based on the inherent requirements of the position as advertised and with due regard to section 20 of the Employment Equity Act.

20. Interviews

- (1) The list of shortlisted candidates and copies of their applications must be submitted to the selection panel prior to the interviews taking place.
- (2) The selection panel for a post, once constituted, must remain the same at all times. If a member of the selection panel is unable to proceed with the interviews due to circumstances beyond that member's control, such panel member may be replaced or withdrawn. If the selection panel does not quorate, the panel must be reconstituted.
- (3) Despite the provisions of Clause 20(2), the municipality must grant observer status to each of the recognized trade union representatives during the interviews: Provided that failure by the union to attend the interviews from proceedings will not invalidate the decision of the panel.
- (4) The selection panel must interview the shortlisted candidates.
- (5) Before the interview for a specific post commences, the selection panel must confirm the selection criteria for the advertised post, based on the relevant competencies required for the advertised post.
- (6) The selection panel must keep a written record of the interviewed candidates.
- (7) After considering all the relevant information, the selection panel must recommend candidates in order of preference. If the recommended candidate declines an offer of employment, the next suitable candidate, where applicable, may be considered for appointment.
- (8) If it is determined that the recruitment process has not attracted suitable candidates, the post may be re-advertised.
- (9) If the post is categorized as a critical and scarce skill post, alternative recruitment methods such as executive search, head-hunting, referrals and re-advertising may be considered only if the recruitment process has not attracted suitable candidates.
- (10) The recommendations of the selection panel must be determined by—
 - a) consensus; or
 - b) where the panel fails to reach consensus, the matter shall be referred to the municipal manager or his or her delegate for mediation or resolution.
- (11) If the selection panel recommends an appointment to the post, it must submit its recommendation to the municipal manager or his or her delegate for approval.

21. References and personal credential verification

- (1) Reference checks and personal credential verification for shortlisted candidates must be conducted by—
 - a) verifying the candidate's suitability for the job with the current or previous employer;
 - b) establishing the validity of candidate qualifications and any other verification required by the position before appointment;
 - c) determining whether the candidate has been dismissed previously for misconduct or poor performance by another municipality or employer,

- and, if so, the nature of that misconduct or poor performance; and
 - d) verifying any other additional personal credentials as may be required by the nature of the job such as criminal records, identification document, security clearance and, where necessary, credit checks.
- (2) A written report on the outcome of the reference checks and personal credential verification must be compiled and considered before the appointment is concluded.
- (3) Despite Clause 21(1)(a), a candidate who does not have a previous employment record may not be disqualified as a candidate for appointment to an advertised post.

22. Appointment

- (1) A person may be appointed as a staff member only if he or she—
 - a) possesses the relevant competencies as prescribed in Annexure A of the Local Government: Municipal Staff Regulations of 20 September 2021; and
 - b) is not disqualified in terms of regulation 22 of the Local Government: Municipal Staff Regulations of 20 September 2021.
- (2) The municipal manager or the staff member to whom this function is delegated must—
 - a) consider the recommendations of the selection panel; and
 - b) decide—
 - i. whom to appoint; and
 - ii. the terms and conditions of employment.
- (3) Before making a decision to appoint, the municipal manager or delegate must satisfy himself or herself that the candidate meets the relevant requirements of the post as provided in Annexure A of the Local Government: Municipal Staff Regulations of 20 September 2021.
- (4) If the decision of the municipal manager or the delegate does not accord with the recommendations of the selection panel, the reasons for such a decision must be recorded in writing.
- (5) An appointment may only take effect after the municipal manager or his or her delegate has approved the appointment in writing.
- (6) The municipal manager or his or her delegate must ensure that all the interviewed candidates are informed whether or not they were successful.
- (7) Unsuccessful candidates must, on request, be provided with reasons in writing as to why they were not successful.

23. Appointment of support staff to offices of political office bearers

- (1) A person appointed to a post on the approved staff establishment in order to support the office of a public office bearer must either be—
 - (a) seconded from a post on the municipality's approved staff establishment or another municipality's staff establishment; or
 - (b) appointed on a fixed-term contract of employment linked to the term of office of the public office bearer.
- (2) The duration of the secondment or fixed-term employment contract

contemplated in Clause 23(1), may not be longer than 30 days after the public office bearer vacates office.

24. Re-employment of dismissed staff

(1) A person who was dismissed from a municipality for any reason stated in column B of the table in Annexure E of the Local Government: Municipal Staff Regulations of 20 September 2021, may not be employed in any municipality before the period set out in column C of the table has expired.

(2) Despite Clause 24(1), a person who has lodged a dispute in terms of any applicable legislation, may be appointed subject to the outcome of the dispute.

(3) The periods set out in column C of the table in Annexure E of the Local Government: Municipal Staff Regulations of 20 September 2021, run concurrently in respect of a person who was dismissed for more than one category of misconduct set out in column B of the table in Annexure E of the Local Government: Municipal Staff Regulations of 20 September 2021.

(4) A municipality must maintain a record of staff dismissed for misconduct and staff who resigned prior to the finalization of any disciplinary proceedings.

(5) The record must contain—

- (a) the full names and identity number of the person;
- (b) the title of the post that the person occupied;
- (c) the nature of the misconduct;
- (d) the date of suspension, if any;
- (e) the conditions of suspension, if any;
- (f) the date on which the misconduct was referred to a disciplinary hearing or pre-dismissal arbitration;
- (g) the date of commencement of the disciplinary hearing or pre-dismissal arbitration;
- (h) the finding;
- (i) whether a dispute was referred to the bargaining council or the Labour Court;
- (j) the costs incurred by the municipality; and
- (k) the date of resignation or dismissal of the person.

25. Probation

(1) The appointment of a person must be effected on a minimum probationary period of three (3) months and a maximum probationary period of twelve (12) months.

(2) The probationary period must be determined on the basis of the job requirements and the minimum period required to establish whether performance is satisfactory or not.

(3) The period of probation excludes the number of days for which leave has been taken by the staff member during the period of probation or any extension thereof.

(4) The municipal manager or his or her delegate must—

- (a) inform the staff member within the first two weeks of employment of that member's performance requirements;
 - (b) ensure that the staff member completes the municipality's induction programme; and
 - (c) assess the staff member's performance; and provide the staff member with feedback on a quarterly basis on that staff member's performance.
- (5) If a staff member's performance is not satisfactory, the municipal manager or his or her delegate must advise the staff member of any aspects that the staff member is considered to be failing to meet.
- (6) If the municipal manager or his or her delegate believes that the staff member's performance does not meet the required standards, he or she may extend the probationary period or dismiss the staff member, provided that—
- (a) the staff member shall first be given a reasonable period of time for assessment, training, guidance or counselling; and
 - (b) the staff member's performance continues to be unsatisfactory after a reasonable period has been given to the staff member to improve his or her performance.
- (7) Despite Clause 25(6), the municipal manager or his or her delegate may extend the probationary period by a period not exceeding six months, in order to afford the municipality an opportunity to further assess the staff member's performance.
- (8) Within one month after the completion of the probationary period, the municipal manager or his or her delegate must—
- (a) confirm the appointment if—
 - (i) the staff member's performance during the probationary period was satisfactory; and
 - (ii) the staff member complied with all the conditions of the probationary appointment;
 - (b) subject to the Labour Relations Act, terminate the appointment if—
 - (i) the staff member's performance was not satisfactory during the probationary period; and
 - (ii) the staff member did not comply with all the conditions of the probationary appointment.

26. Appointment of permanent staff

- (1) Except as provided for in Regulations 21 and 30 of the Local Government: Municipal Staff Regulations of 20 September 2021, appointments of staff members made in terms of section 66 of the Act shall be on a permanent basis.

27. Appointment of staff on fixed term contract

- (1) Despite Clause 26 read together with Regulation 29 of the Local Government: Municipal Staff Regulations of 20 September 2021, a municipality may, in exceptional circumstances and within its

administrative and financial capacity, appoint a person or persons on fixed term contract without adhering to the procedures and processes as contained in this chapter.

(2) The application of Clause 27(1) is subject to the provisions of section 198B of the Labour Relations Act 66 of 1995.

28. PROMOTION

- (1) A staff member who is appointed in accordance with this policy read together with the Local Government: Municipal Staff Regulations of 20 September 2021 to a post in the municipality that is higher in salary level or job grade than the one that he or she previously occupied in the municipality is deemed to be promoted to that post.
- (2) A staff member who is promoted does not forfeit his or her years of service and the benefits which accrued from those years.

29. IMPLEMENTATION AND MONITORING OF THE POLICY

- (1) This policy would be implemented and monitored by the Municipal Manager.

30. COMMUNICATION

- (1) This policy will be communicated to all employees using the full range of communication methods available to the Municipality.

31. POLICY REVIEW

- . (1) This policy shall be reviewed as and when necessary.

32. BUDGET AND RESOURCES

- (1) The financial and resource implications related to the implementation of this policy should be qualified and quantified by Budget and Treasury Office working together with the Human Resources Management.

33. NON-COMPLIANCE

- (1) 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.

34. DISPUTE RESOLUTION

27.1. If there is a dispute about the interpretation or application of this Policy, the disputant or aggrieved party shall refer the dispute or grievance to:

27.1.1. employer, in terms of the applicable Grievance Procedure;

27.1.2. South African Local Government Bargaining Council, if the dispute falls within its jurisdiction, CCMA, if the dispute falls within its jurisdiction, for conciliation;

27.1.3. arbitration, if the dispute remains unresolved with parties to the dispute consenting to arbitration; and

27.1.4. competent court(s) in terms of the applicable laws of the Republic of South Africa.

35. EFFECTIVE DATE

(1) This policy shall come into operation with effect from 1 July 2022.

36. SIGNATORIES

Municipal Manager

Mr MM Kgwale

Date

The Mayor

Cllr. MD Tladi

Date