

uMNGENI MUNICIPALITY



PLACEMENT POLICY

1. DEFINITIONS

For the purpose of this Policy unless the context otherwise indicates:

- 1.1 Bargaining Council” means South African Local Government Bargaining Council.
- 1.2 Close match Placement” means placing employees in a post of which the Job content of the post be placed in, compares favourably with the existing Job content of the employees.
- 1.3 Conditions of Service” means the conditions as regulated by the parties in the SALGBC.
- 1.4 Continuity of employment” means the uninterrupted of the employee’s years of service.
- 1.5 Day” means a normal working day excluding public holidays and week-ends (Saturdays / Sundays).
- 1.6 Designated groups” means to refer to previously disadvantage group (African, Coloured and Indian) women of all race and people with disabilities, in terms of Employment Equity Act.
- 1.7 Dispute” means a difference of opinion between the parties regarding the implementation of a procedures contained in this policy.
- 1.8 Employment Equity Act” means Employment Equity Act 55 of 1998.
- 1.9 Employee” means a permanent, temporary or contract employee or an apprentice receiving pay or entitled to it but excluding a student, subsidies labour, and an independent contractor.
- 1.10 IMATU” means the Independent Municipal and Allied Trade Union.
- 1.11 Job Content” means a summary of all the detailed functions and responsibilities of a post.
- 1.12 Job Evaluation Unit” means a committee established to evaluate posts as contained in the Task Job Evaluation Policy for Municipalities.
- 1.13 Labour Relations Act” means Labour Relations Act 66 of 1995.
- 1.14 Local Labour Forum” means a Forum Established at the Workplace with equal representation from the employer and trade unions as contemplated in the main Collective Agreement.
- 1.15 Section 57 Employees” means Municipal Managers and those employees

appointed as managers directly accountable to Municipal Managers in terms of Section 57 of the Municipal Systems Act 32 of 2000, as amended.

- 1.16 Skills Development Act” means Skills Development Act 97 of 1998.
- 1.17 Objections Committee” means a committee as contemplated in Clause 14 of this Placement Policy.
- 1.18 Placement Committee” means a committee which must consider and reach consensus regarding the Placement of existing employees into posts in the new staff establishment.
- 1.19 Placement Policy” means a policy to ensure that the placement of staff shall be done in a manner that is consistent with any existing Employment Equity and Skills Development Plan and/ or the objectives of the Employment Equity and Skills Development Act and any applicable Legislation, to address needs in the staff establishment of the Municipality in an appropriate and practical manner.
- 1.20 Post” means a position in the Municipality staff establishment to which specific duties are attached.
- 1.21 Redundancy” means the term applied when factors such as economic recessions, loss of income, re-organisation and rationalization of manning levels result in particular jobs no longer being necessary, in which event the specific job becomes redundant (ie Section 189 of the Labour Relations Act).
- 1.22 SAMWU” means South African Municipal Workers Union.
- 1.23 Task system” means a Tuned Assessment of Skills and Knowledge.

2. SCOPE OF THE POLICY

- 2.1 The terms of this policy shall be observed by uMngeni Municipality (Council) and all employees who fall within the registered scope of South African Local Government Bargaining Council.

3. EXCLUSION FROM THIS POLICY

- 3.1 Municipal Manager and persons appointed as managers directly accountable to Municipal Manager in terms of Section 57 of the Municipal Systems Act 32 of 2000, as amended, shall be excluded from all terms of this policy.

4. PERIOD OF OPERATION

- 4.1 This policy shall come into operation on a date to be determined by Council.

5. OBJECTIVES

- 5.1 The objectives of this policy are inter alia, to:
- 5.2 Ensure that an organization has the correct number of employees, of the right kind in the right place at the right time.
- 5.3 Ensure that Municipality has the Human Resources that will assist it to achieve its development and operational objectives effectively, efficiently and economically; and
- 5.4 Attempt to avoid, with due regard for the principle of affordability and the operational requirements of the Municipality, job losses due to the restructuring of uMngeni Municipality.
- 5.5 The placement of staff shall be done in a manner that is consistent with any existing Employment Equity and Skills Development Plan and or the objectives of the Employment Equity Act and the Skills Development Act, and must not disrupt this nor be used to promote or demote employees.

6. DEVELOPMENT OF STAFF ESTABLISHMENT (ORGANOGRAM)

- 6.1 A Municipal Manager must develop a staff establishment for the Municipality and submit the staff establishment to the Municipal Council for approval;
- 6.2 Provide a Job Description for each post on the staff establishment;
- 6.3 Establish a process or mechanism to regularly evaluate the staff establishment and, if necessary, review the staff establishment and the remuneration and Conditions of Service.

7. JOB EVALUATION

- 7.1 Major changed, minor changed, unchanged and new post shall be evaluated in accordance with task job evaluation system.
- 7.2 Within 3 months of the commencement date of this policy, the job evaluation unit shall evaluate all the posts of the re-structured / new staff establishment.

8. CONDITIONS OF SERVICE

- 8.1 All employees placed in the new staff establishment, shall from the commencement date be subject to the following:
- 8.2 No interruption in Conditions of Service shall occur all employees shall retain their benefits as if their services were not interrupted.
- 8.3 Notwithstanding the provision of clause 7.2, the salaries and benefits of staff shall be adjusted in accordance with any Collective Agreement concluded in the Bargaining Council.

9. EXISTING EMPLOYEES

- 9.1 Every attempt must be made to accommodate existing employees in the new staff establishment, taking into account the operational requirements of the Municipality.

10. PLACEMENT

10.1 PLACEMENT CRITERIA

- 10.1.1 uMngeni Municipality shall use their best endeavors to place existing employees into post created in a new staff establishment.
- 10.1.2 uMngeni Municipality commits itself to ensure continuity of employment and every attempt will therefore be made to ensure that no Retrenchment or

Redundancy will occur, provided that the affected employees are willing to accept alternative positions that are offered. In this regard every effort will be made to ensure that such alternative offers are reasonable.

- 10.1.3 In placing employees in the new staff establishment, employees shall be placed on a close-match basis. In close matching a post, the job content of the “new” post must be compared with the existing job content of the employees. The employees having the closest match in respect of the job content is then the successful employee to be placed e.g a typist will be closed match to a typist, a Labourer to a Labourer.
- 10.1.4 Where the close match cannot be done hundred percent, the match must be done on the most matched job content. The focus should be on the crux of the job, e.g. an accountant’s job content will be matched against a post that contains the most stipulations reflecting accounting duties.
- 10.1.5 The salary and qualifications of an employee shall play no role in the placement.
- 10.1.6 The close match principle shall apply to unchanged, minor changed and major changed post.
- 10.1.7 Where more than one employee can be close matched to a post and there are more employees than there are posts, affirmative action shall have preference (people from designated group).
- 10.1.8 Employees shall not be moved from one Geographical Location to another without the function which the employee is performing, necessitate such movement.
- 10.1.9 When placed in a post such placement shall be final and constitute a permanent position.
- 10.1.10 Employees that cannot be placed in any of the categories of posts or are not offered an alternative post that is not reasonable will remain in the pool for a period of at least six months from the expiry of the period referred to in a clause 10.1.10 unless otherwise agreed, where after the employees shall be dealt with in terms of Section 189 of the Labour Relations Act 66 of 1995.

11. PLACEMENT COMMITTEE

- 11.1 Placement Committee shall be comprised of Heads of Departments.
- 11.2 Placement of employees shall be considered by Heads of Departments and forwarded to Local Labour Forum for consultation prior to the submission to Council for adoption.

- 11.3 The Placement Committee shall consider and reach consensus on the placement of existing employees into posts in the new staff establishment.

12. NOTIFICATION AND PUBLICATION OF DECISION

- 12.1 A letter notifying an employee of his/her placement shall be sent to individual.
- 12.2 Prior to forwarding submissions to Local Labour Forum consultation, each employee must receive a letter and a copy of the relevant Section of the staff establishment which indicates their proposed post and classification thereof in which they will be placed.

13. CLASSIFICATION OF POSTS

- 13.1 The Placement Committee will classify the posts in the staff establishment into the following four categories.

13.2. UNCHANGED POSTS

- 13.2.1 These are the posts that have had no change to their scheduled duties or Geographical Location.
- 13.2.2 Heads of Departments will be required to merely list these posts with the names and other forms of identification used, of the present incumbents and submit it to the placement committee for confirmation.

13.3 MINOR CHANGED POSTS

- 13.3.1 These are the posts involving minor changes to the duty schedule, which has no material effect on the level of responsibility. It might also involve a mere change in title without a change in duties.
- 13.3.2 Heads of Departments need to submit the names and other form of identification used of the present incumbents to the Placement Committee for confirmation.

13.4 MAJOR CHANGED POSTS

- 13.4.1 These are the posts which have undergone a major change to their duties and responsibilities. This will necessitate that these posts be evaluated. Where ever possible, the Placement shall be on the close match basis.
- 13.4.2 These post with the existing and proposed duties should be submitted to the Placement Committee together with the names and other form of identification, used of the employees to be placed in the posts on a close match basis.

13.4.3 If a major changed post cannot be filled on a “Close Match” basis, it shall be advertised both internally and externally and shall be filled, in terms of the appointment criteria, giving preference to:

- Internal candidate from designated groups
- Internal candidates from non-designated groups
- External candidates from designated groups

13.5 NEW POSTS

13.5.1 These are the posts, which carry duties and responsibilities that do not exist in any form in the present staff establishment. These posts shall be advertised both internally and externally and shall be filled giving preference to:

- Internal candidates from designated groups
- Internal candidates from non-designated groups
- External candidates from designated groups

13.5.2 All Placement shall be finalized within a period of three months after the adoption of the staff establishment.

14. ACTING POSITIONS

14.1 Incumbents who are in Acting positions have no right to permanent placement within these positions, however they must be considered on a preferential basis due to them having successfully acted in the position.

15. OBJECTION

15.1 The Objection Committee shall be comprised of Municipal Manager or his nominee.

15.2 The Objection Committee may not include a member of a Placement Committee.

15.3 The Objection Committee must make a decision on an objection within 10 working days after the objection has been submitted to it, and every employee who lodge an objection must be notified in writing.

16. LODGING OF OBJECTION

16.1 An employee must in writing lodge an objection against his/her Placement or lack thereof, within five (5) days of the publication on the Placement Committee’s decision.

- 16.2 An objection must set out the grounds for the objection in full and must be accompanied by such documentary evidence in support thereof as may be appropriate.
16. Allow an employee and his/her representative reasonable time during working hours to consult in order to prepare for an objection.

17. DECLARATION OF DISPUTE

- 17.2 An employee who is aggrieved by a decision of an Objection Committee has a right to declare a dispute to South African Local Government Bargaining Council.
- 17.3 A dispute must be declared to South African Local Government Bargaining Council within 10 working days of the date of receipt of the decision of an Objection Committee.
- 17.4 Disputes will be referred to SALGBC for Arbitration and shall be conducted in terms of the Dispute Procedure as per the SALBC Constitution.
- 17.4 The decision / ruling of the Arbitrator shall be final and binding to both parties.
- 17.5 No placement is final until the dispute resolving mechanism has been exhausted.

18. JOB EVALUATION

After the Placement of employees, all posts in the new staff establishment will undergo Job Evaluation exercise in terms of Tuned Assessment of Skills and Knowledge (task system).