

**SOL PLAATJE LOCAL MUNICIPALITY**



**APPOINTMENT OF SECTION 56 AND 57 MANAGERS POLICY**

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## 1. PREAMBLE

Driven by empirical and conceptual challenges of recruitment for an establishment of the Municipality's profile and size, this recruitment policy seeks to create a balanced and transcendent culture of fine and sound employment patterns and practices in the Municipality. It is designed to foster and promote sound and fair recruitment procedures and practices which underpin the principles of equal employment opportunity and affirmative action.

## 2. LEGAL FRAMEWORK AND REQUIREMENTS

2.1 This policy is premised from the relevant provisions of the Labour Relations Act (66 of 1995);

2.2 It also derives its legitimacy from the Municipal Structures Act (117 of 1998), Municipal Systems Act (32 of 2000), Employment Equity Act (55 of 1998), Municipal systems Act No: 32 of 2000 as amended in 2011;

## 3. OBJECTIVES

3.1 To give effect to the principles of equal employment opportunity and affirmative action.

3.2 To inject uniform, transparent, fair and sound recruitment procedures and practices.

3.3 To give effect to the objects of relevant labour laws.

3.4 To provide a mechanism for application of a zero-based approach in the filling of a vacant post.

3.5 To attract competent and suitably qualified applicants for a vacant post.

3.6 To provide measures for a fair and just selection process for candidates to be interviewed.

3.7 To provide a procedure for actioning appointment of a successful candidate.

3.8 To set out procedures for handling unsuccessful applications.

3.9 To set out the nature and term of appointment of Senior Managers accountable to the Municipal Manager

## 4. SCOPE OF APPLICATION

This policy shall apply to: The employment of Senior Managers in line with the Local Government Regulations on the appointment and conditions of employment of Senior Managers.

## 5. DETERMINING RECRUITMENT NEEDS

Prior to filling a post, the necessity for filling shall be assessed and motivated in writing by the Executive Manager to the Municipal Manager or his delegate. Should a post, after having undergone scrutiny, be authorised for filling by the relevant authority, employees requiring re-

deployment in terms of the Re-Deployment Strategy as well as employees in a supernumerary capacity are considered in the first instance. Approval for filling the senior manager positions must be according to the regulations by CoGTA. Role Responsibility Mayor in consultation with the selection panel Obtain approval from municipal council for filling of the Municipal Manager post

## 6. HUMAN RESOURCE PLANNING

The municipal council must assess the human resources necessary to perform the functions, assess the existing human resources by race, gender and disability and plan within the available budgeted funds for the recruitment retention and development of the municipal human resource requirements.

## 7. GENERAL REQUIREMENTS FOR APPOINTMENT

A person can only be appointed in senior manager posts if he or she meets the requirements stipulated in the regulation.

7.1 A person can only be appointed on a fixed term contract, permanent basis or probation if he or she is a SA citizen, or permanent resident, and possesses the relevant competencies, qualifications, experiences and knowledge as reflected in the Annexure A & B of the regulations.

7.2 Section 57(7) of the Municipal Systems Act used to provide that a municipality may extend the application of fixed-term contracts to section 56 managers too, however, this policy emphasises that all positions regarded as in terms of Section 56 and 57 Managers shall all be appointed for a period of 5 years henceforth. This is to ensure performance and an opportunity to new skills, vision and moving towards resilient municipality.

7.3 Section 56 Managers currently in the employ, shall remain on the same employment status as originally entered into, however, annual performance review will indicate whether the contract must be renewed or terminated on valid reasons.

## 8. COMPETENCY REQUIREMENTS

Persons may only be appointed as Senior Managers if they meet the competency requirements stipulated in the regulations and the minimum requirements for higher education's qualification.

## 9. ADVERTISING OF THE SENIOR MANAGER POSITIONS

Senior manager vacancy must be advertised as stipulated in the regulations.

9.1. Within 14 days of receipt of approval.

9.2. Must specify job title, term of appointment, annual remuneration, competency requirements, core functions, need for signing employment contract, need to undergo security vetting, contact person, address of applications, closing date of a minimum of 14 days.

## 10. DRAFTING OF ADVERTISEMENT (DONE BY THE HR DEPARTMENT)

The validated information as referred to above shall form the basis for the advertisement/brief and all advertisements shall clearly state the relevant job requirements, application procedures together with closing dates for the receipt of application.

## 11. ADVERTISEMENTS TO BE IN APPROVED FORMAT

Internal: Advertisements shall be placed on designated notice boards and other appropriate Municipal Manager Obtain approval from municipal council for filling of the Senior Manager post Speaker Convene special meeting if required places.

External: Advertisements shall be placed in a National and Provincial newspapers to ensure maximum access by the designated groups for 14 consecutive days. The Municipality's targets, inter alia, shall be taken into consideration when determining whether recruitment activities are internal or external or both.

## 12. HEAD HUNTING

Head hunting will be applied with caution at all times, and it may be applied 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 as per the advert or the employment equity plan. Normally targeted persons will be provided with the copy of the recruitment advertisement allowing them to apply of their own accord, unless the selection panel should otherwise so decide.

## 13. ROLES AND RESPONSIBILITY

## 14. SELECTION PANEL

14.1. The selection panel must be appointed according to the requirements stipulated in the regulations after considering the nature of the post, gender balance and the skills, expertise and the availability of the persons to be involved. Selection criteria shall be objective and related to the inherent requirements of the job and realistic future needs of the Municipality.

14.2. 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

14.3. 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 important criteria.

14.4. 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. Role Responsibility Mayor Provide monthly report to the Executive Committee on progress made with filling the vacant Municipal Manager post Municipal Manager Provide monthly report to the Executive Committee on progress made with filling the vacant Senior Manager post

14.5. The selection panel for appointing the municipal manager must consist of at least three and not more than five members constituted as follows:

14.5.1 The mayor (will be the chairperson or his/her delegate).

14.5.2. A Councillor designated by the council.

14.5.3. At least one other person that is not a councillor or staff member who has the required expertise.

14.6. The selection panel for the appointment of a manager directly accountable to a municipal manager must consist of at least three and not more than five members constituted as follows: The municipal manager who will be the chairperson.

14.6.1 Member of the mayoral committee or a councillor who is portfolio head of the relevant portfolio and.

14.6.2. At least one other person that is not a councillor or staff member who has the required expertise.

14.6.3. A minimum of three (3) and maximum of five (5) members are required 14.6.4. Selection panel members must disclose interest or relationship, and sign a declaration of confidentiality as stipulated in the regulations.

## 15. APPLICATIONS REQUIREMENTS

Applications submitted for Senior Manager Positions must meet the requirements stipulated in the regulations.

15.1. Must only be submitted on official application form

15.2. Applicants must disclose academic qualifications, contactable references, registration of professional bodies, details of dismissal for misconduct, and any disciplinary actions pending.

15.3. Any misrepresentation or failure to disclose will be regarded as a breach of the Code of conduct for Municipal Managers.

## 16. SELECTION OF APPLICANTS

The selection process of applications must meet the requirements stipulated in the regulations

16.1. Compile list of all applications who applied for the position.

16.2. Compile a shortlist of all applicants evaluated against relevant competency requirements.

16.3. List must be finalised within 21 days.

16.4. Records must be kept of all applicants.

16.5. Municipal manager must ensure confidentiality of all applications.

16.6. The list and short list must be submitted to the selections panel.

## 17. ROLES & RESPONSIBILITY

### 18. SCREENING OF CANDIDATES

Screening of shortlisted candidates must meet the requirements stipulated in the regulations

18.1. Screening must take place within 21 days of finalising shortlist.

18.2. Conduct necessary reference checks.

18.3. Contact candidate's current employer.

18.4. Determine validity of candidate qualifications.

18.5. Verify if candidate has been dismissed and/or if there are any outstanding disciplinary matters against candidate.



## 19. INTERVIEWS OF CANDIDATES

Interviews of selected candidates must be conducted in a manner that meets the requirements stipulated in the regulations

19.1. Conduct interviews within 21 days of screening.

19.2. Selection panel must remain the same.

19.3. Selection panel must keep records of individual panel members' assessment of a candidate. 1

9.4. Candidates selected for interview must be based on consensus.

19.5. Dissenting member may record concern in the minutes.

19.6. Selection panel must recommend second and third suitable candidate.

## 20. SELECTION OF RECOMMENDED CANDIDATES

The selection and recommendation process must meet the requirements stipulated in the regulations

20.1. Recommended candidates must undergo competency assessments.

20.2. Competency tools must be applied fairly.

20.3. Competency tools may not be biased.

20.4. Municipal must provide budget for competency assessments.

20.5. Selection panel must submit recommendation and reports to council.

## 21. MUNICIPAL COUNCIL RESOLUTION

The municipal council resolutions regarding the appointment of senior managers and the related Role Responsibility Mayor in consultation with the selection panel Selection Municipal Manager Applications Municipal Manager Selection Senior Manger Applications Municipal Manager Safekeeping of confidential information municipal actions must meet the requirements stipulated in the regulation Before making decision council must ensure:

21.1. Candidate meets relevant competency requirements.

21.2. Screening has been conducted according to the regulations.

21.3. Candidate does not appear in record of staff members dismissed. Council must make decision on suitable candidate.

21.4. Municipality must:

21.4.1 Inform all applicants (successful and unsuccessful) of outcome.

21.4.2. Submit written report submission to MEC within 14 days.

21.5 Report must contain:

21.5.1. Details of advertisements date of issue and name of newspaper.

21.5.2. List of all applicants

21.5.3. Report on the screening process.

21.5.4. Council resolution approving selection panel and shortlisted candidates. 21.5.5.

Recommendation of the Executive committee or Mayor of the municipality. 21.5.6. The

application form, CV, proof of qualifications of successful candidate. 21.5.7. A written

confirmation from successful candidate that the candidate does not hold a political office.

21.5.8. Letter of appointment outlining the terms of contract. 21.5.9. Other relevant information.

## 22. RE-EMPLOYMENT/DISMISSED PERSONS

The dismissal and/or Re-employment of Senior Managers must meet the requirements stipulated in the regulations

22.1. Persons dismissed for misconduct may not be reappointed as senior manager. Senior Manager who lodges complaint is excluded.

22.2. Municipality must maintain records of staff dismissed. Records of dismissed staff must contain the following:

i) Name and Surname of staff member.

ii) Name of municipality.

iii) Post and title.

iv) Nature of misconduct.

v) Date of suspension.

- vi) Conditions of suspension.
- vii) Date of commencement of disciplinary hearing.
- viii) Finding and category of misconduct.
- ix) Cost incurred by municipality.
- x) Date of resignation or dismissal of senior manager. xi) Whether dismissal has been appealed.
- xii) Status of the appeal.

### 23. RE-ADVERTISING VACANCY

The re-advertising of a vacancy because no suitable applicants applied must meet the requirements of the regulations

23.1. Inform all shortlisted candidates that application was not successful.

23.2. That post may be re-advertised.

### 24. SECONDMENT AS MUNICIPAL MANAGER

The secondment of a person to act as municipal manager must meet the requirements stipulated in the regulation

24.1. An agreement must be entered into between seconding authority and the municipality.

24.2. Agreement must specify duration of secondment.

24.3. Party responsible for the cost of the secondment.

24.5. Job description of seconded individual. Cost must be borne by receiving municipality. Seconded person must report monthly to MEC on the following:

24.5.1. Steps taken to fill vacant post.

24.5.2. Development and implementation of institutional recovery plan.

24.5.3. Monitor and assess adherence to municipal policy principals and frameworks.

25.4.4. Development of turnaround strategy to promote good governance of the municipality.

25.4.5. Implementation of council resolutions.

24.5.6. Implementation of a system of internal control.

24.5.7. Implement all governance systems and processes.

24.5.8. Ensure implementation of financial systems, policies and procedures. Person seconded must be paid the following:

24.5.9. Allowance equal to the difference between the seconder's current salary and the minimum budgeted salary of the post

24.5.10. Compensation for subsistence and traveling incurred during the course and scope of secondment.

## 25. ELIMINATION OF UNFAIR DISCRIMINATION

The Municipality shall take steps to promote equal opportunity in the workplace by eliminating unfair discrimination in any employment policy or practice.

25.1. It is affirmed that it will not constitute unfair discrimination to take affirmative action measures consistent with the purposes of the Employment Equity Act of 1998 as set out in this policy or to distinguish, exclude or prefer any person on the basis of an inherent requirement of any job.

25.2. Harassment of an employee, including sexual harassment of any form, constitutes unfair discrimination and such harassment will attract disciplinary action against any employee found to have committed harassment.

## 26. APPLICATION OF THE EMPLOYMENT EQUITY ACT OF 1998

As a defined designated employer in terms of section 1 of the Employment Equity Act of 1998, the relevant provisions of the Act is directly applicable to the Employer.

## 27. AFFIRMATIVE ACTION

As a designated employer the uMgungundlovu District Municipality must, in order to achieve employment equity, implement affirmative action measures for people from designated groups as defined in section 1 of the Employment Equity Act of 1998. Designated Groups means black people, women and people with disabilities and black people is defined in the Employment Equity Act as a generic term meaning Africans, Coloureds and Indians. Affirmative Action measures are measures designed to ensure that suitably qualified people from designated groups have equal employment opportunities and are equitably represented

in all occupational categories and levels in the workforce of the Employer. Affirmative Action measures include, but are not limited to, the following:

27.1. Measures to identify and eliminate employment barriers, including unfair discrimination, which adversely affect people from designated groups.

27.2. Making reasonable accommodation for people from designated groups in order to ensure that they enjoy equal opportunities and are equitably represented in the workplace of the Employer.

27.3. Measures to ensure the equitable representation of suitably qualified people from designated groups in all occupational levels in the workplace of the Employer.

27.4. Measures to retain and develop people from designated groups and to implement appropriate training measures, including measures in terms of the Skills Development Act of 1999.

27.5. No provision in this policy should be construed as requiring the Municipality to take any decision concerning an employment policy or practice that would establish an absolute barrier to the prospective or continued employment or advancement of people who are not from designated groups.

27.6. This includes, but is not limited to, any decision relating to the termination of employment of any employee of the Municipality for reasons not relating to the conduct or capacity of the employee or the operational requirements of the employer in terms of the provisions of Chapter VIII of the Labour Relations Act of 1995 as amended.

## **28. TEMPORARY ACCOMMODATION FOR NEWLY APPOINTED MANAGERS**

(Section 56 and 57) The Municipality shall make a provision for temporary accommodation for a maximum of four (4) weeks for in the event that a Geographical location is a radius of more than 60km.