

**“ The City of Heritage ”**



# **ULUNDI LOCAL MUNICIPALITY**

**SECONDMENT OF SENIOR MANAGER POLICY**

## SECONDMENT OF SENIOR MANAGER POLICY

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## **1 Policy Purpose**

The purpose of this policy is to set out the policy guidelines regarding the staffing policy, more in terms of specifically recruitment and selection of Senior Managers. It includes the following:

- Producing fair and objective principles and procedures for staffing.
- Providing guidelines for the appointment of candidates.
- Establishing principles and procedures that comply with legislative principles in respect of employment equity and affirmative action.
- Setting out the procedural steps for the advertisement of a vacant post, the selection of applicants for interviews, the conducting of interviews and the appointment of candidates to the permanent staff complement.
- Engaging in a process to improve the representatives of the personnel establishment of the Council to reflect the racial and gender composition of the citizens of Council, while recognising the need to focus on customer needs, standards of effectiveness and efficiency in service delivery and an absence of discrimination based on any form of stereotyping.

## **2 Policy Scope**

This policy is applicable and binding to both the municipality and all candidates relating to the Senior Manager positions.

## **3 Policy Definitions**

**“candidate”** means an applicant for a post.

**“disability”** means long term or recurring physical or mental impairment which substantially limits a person towards performing his/her duties.

**“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.

#### **4 Legislative Framework**

This document is established within the framework of the following legislation and policies:

- Municipal Staff Regulations 2021
- Local government regulation no GG37245: Regulations for the Appointment and Conditions of Employment of Senior Managers.
- The Employment Equity Act, 1998 (Act No. 55 of 1998)
- Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) as amended from time to time.
- The Basic Conditions of Employment Act, 1997 (Act No.75 of 1997)
- Labour Relations Act (Act 65 of 1995)
- The Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (PEPUDA or the Equality Act, Act No. 4 of 2000)

#### **5 General Policy Provisions**

Recruitment selection must take place in accordance with the municipal system and procedures contemplated in the Act.<sup>1</sup>

- Position must be filled through public advertising.<sup>2</sup>
- Selection must be competency based.<sup>3</sup>

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<sup>1</sup> 6(1) of GG37245 LG Regulations for Appointment and Conditions of Employment of Senior Managers

<sup>2</sup> 6(2) of GG37245 LG Regulations for Appointment and Conditions of Employment of Senior Managers

<sup>3</sup> 6(3) of GG37245 LG Regulations for Appointment and Conditions of Employment of Senior Managers

- The staffing policy and its implementation will be fundamentally aimed at matching the human resources to the strategic and operational needs of the Municipality.
- Each appointment must be rationally and objectively justifiable by reference to the strategic and operational needs of the Municipality.
- All appointments will be permanent, except fixed term contracts, Learnerships, internships, in-service training, and temporary appointments, the latter of which should not exceed a maximum period of 12 months.
- The responsibility of the Municipality is to determine the strategic and operational needs of the Municipality, and the relevant reporting and Manager/Department Head structures of the Municipality.
- 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.
- With reference to the Constitution of South Africa Act 108 of 1996 as amended and the provisions of Chapter II of the Employment Equity Act 55 of 1998, under no circumstances should any person be refused employment on any arbitrary or discriminatory basis, including but not limited to race, gender, sex, pregnancy, marital status, family responsibility, ethnic or social origin, colour, sexual orientation, age, disability, religion, HIV Status, conscience, belief and/or opinion, taking into account the provision of Chapter III of the EE Act, Act 55 of 1998.

The Municipality is an employment equity employer, and as such preference will be given to suitably qualified candidates who are members of designated groups as defined in section 1 of the Employment Equity Act of 1998 as consisting of black people, women and people with disabilities.

## **5.1 Secondment as Municipal Manager**

The secondment of a person to act as municipal manager must meet the requirements stipulated in this regulation:<sup>4</sup>

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<sup>4</sup> 20(1) – 20(5) of GG37245 LG Regulations for Appointment and Conditions of Employment of Senior Managers

- An agreement must be entered into between seconding authority and municipality.
- Agreement must specify duration of secondment.
- Party responsible for the cost of the secondment.
- Job description of seconded individual.
- Cost must be borne by receiving municipality.

Seconded person must report monthly to MEC on the following:

- Steps taken to fill vacant post.
- Development and implementation of institutional recovery plan.
- Monitor and assess adherence to municipal policy principals and frameworks.
- Development of turnaround strategy to promote good governance of municipality.
- Implementation of council resolutions.
- Implementation of a system of internal control.
- Implement all governance systems and processes.
- Ensure implementation of financial systems, policies and procedures.

Person seconded must be paid the following:

- Allowance equal to the difference between the seconder's current salary and the minimum budgeted salary of the post
- Compensation for subsistence and traveling incurred during the courses and scope of secondment.

*The selection and appointment of a secondment should be aligned with the sections below that are all based on the Regulations for The Appointment and Conditions of Employment of Senior Managers.*

## **5.2 Determining Recruitment Needs**

Prior to filling a post, the necessity for filling shall be assessed and motivated in writing by the Head of Department to the Municipal Manager or his delegate. 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 regulation.<sup>5</sup>

### **Role Responsibility**

| <b>Role</b>                                    | <b>Responsibility</b>  |
|--|--|
| Mayor in consultation with the selection panel | Obtain approval from municipal council for filling of the Municipal Manager post |
| Municipal Manager                              | Obtain approval from municipal council for filling of the Senior Manager post    |
| Speaker  | Convene special meeting if required  |

### **5.3 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.<sup>6</sup>

### **5.4 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.<sup>7</sup>

- A person can only be appointed on a fix term contract, permanent basis or probation if he or she is an SA citizen, or permanent resident, and possesses the relevant competencies, qualifications, experiences and knowledge.

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<sup>5</sup> 7(1) – 7(3) of GG37245 LG Regulations for Appointment and Conditions of Employment of Senior Managers

<sup>6</sup> 3(1) – 3(3) of GG37245 LG Regulations for Appointment and Conditions of Employment of Senior Managers

<sup>7</sup> 8(1) – 8(2) of GG37245 LG Regulations for Appointment and Conditions of Employment of Senior Managers

## **5.5 Competency Requirements**

Persons may only be appointed as Senior Managers if they meet the competency requirements stipulated in the regulation and the minimum requirements for higher education's qualification.<sup>8</sup>

## **5.6 Advertising of the Senior Manager Positions**

Senior manager vacancy must be advertised as stipulated in the regulations.<sup>9</sup>

Within 14 days of receipt of approval.

- 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 and maximum of 30 days.

### **5.6.1 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.

### **5.6.2 Advertisements to be in approved format**

Advertising should be done externally and internally.

- Internal: Advertisements shall be placed on designated notice boards and other appropriate places.
- External: Advertisements shall be placed in appropriate media/publications and community newspapers to ensure maximum access by the designated groups.

The Municipality's targets, inter alia, shall be taken into consideration when determining whether recruitment activities are internal or external or both.'

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<sup>8</sup> 9(1) – 9(2) of GG37245 LG Regulations for Appointment and Conditions of Employment of Senior Managers

<sup>9</sup> 10(1) – 10(5) of GG37245 LG Regulations for Appointment and Conditions of Employment of Senior Managers

## 5.7 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.

### Roles and Responsibility

| <b>Role</b>       | <b>Responsibility</b>   |
|-------------------|---|
| 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    |

## 5.8 Selection Panel

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. <sup>10</sup>

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

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<sup>10</sup> 12(1) – 12(4) of GG37245 LG Regulations for Appointment and Conditions of Employment of Senior Managers

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

Unless formal 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.

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.

Selection panel for appointing the MM to consist of:

- The mayor (will be the chairperson)
- A Councillor designated by the council
- At least one other person that is not a councillor or staff member who has the required expertise

Selection panel to appoint any other senior manager to consist of:

- The municipal manager
- Member of the mayoral committee who is portfolio head
- At least one other person that is not a councillor or staff member who has the required expertise
- A minimum of three (3) and maximum of five (5) members
- Selection panel members must disclose interest or relationship, and sign a declaration of confidentiality as stipulated in the regulation.<sup>11</sup>
- Applications Requirements

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<sup>11</sup> 12(5) – 12(8) of GG37245 LG Regulations for Appointment and Conditions of Employment of Senior Managers

Applications submitted for Senior Manager Positions must meet the requirements stipulated in the regulations.<sup>12</sup>

- Must only be submitted on official application form
- Applicants must disclose academic qualifications, contactable references, registration of professional bodies, details of dismissal for misconduct, any disciplinary actions pending.
- Any misrepresentation or failure to disclose will be regarded as a breach of the Code of Conduct for Municipal Managers.

### 5.9 Shortlisting Applicants

The shortlisting process of applications must meet the requirements stipulated in the regulations.<sup>13</sup>

- Compile list of all applications who applied for the position.
- Compile a shortlist of all applicants evaluated against relevant competency requirements.
- List must be finalised within 30 days.
- Record must be kept of all applicants.
- Municipal manager must ensure confidentiality of all applications.
- The list and short list must be submitted to the selections panel.

### Roles & Responsibility

| <b>Role</b>                                    | <b>Responsibility</b>                       |
|--|---|
| Mayor in consultation with the selection panel | Shortlisting Municipal Manager Applications |
| Municipal Manager                              | Shortlisting Senior Manager Applications    |
| Municipal Manager                              | Safekeeping of confidential information     |

<sup>12</sup> 11(1) – 11(6) of GG37245 LG Regulations for Appointment and Conditions of Employment of Senior Managers

<sup>13</sup> 13(1) – 13(5) of GG37245 LG Regulations for Appointment and Conditions of Employment of Senior Managers

## **5.10 Screening of Candidates**

Screening of shortlisted candidates must meet the requirements stipulated in the regulations.<sup>14</sup>

- Screening must take place within 21 days of finalising shortlist.
- Conduct necessary reference checks.
- Contact candidate's current employer.
- Determine validity of candidate qualifications.
- Verify if candidate has been dismissed and/or if there are any outstanding disciplinary matters against candidate.

## **5.11 Interviews of Candidates**

Interviews of shortlisted candidate must be conducted in a manner that meets the requirements stipulated in the regulations.<sup>15</sup>

- Conduct interviews within 21 days of screening.
- Selection panel must remain the same.
- Selection panel must keep records of individual panel members' assessment of a candidate.
- Candidates selected for interview must be based on consensus.
- Dissenting member may record concern in the minutes.
- Selection panel must recommend second and third suitable candidate.

## **5.12 Selection of Candidates**

The selection and recommendation process must meet the requirements stipulated in the regulation.<sup>16</sup>

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<sup>14</sup> 14(1) – 14(2) of GG37245 LG Regulations for Appointment and Conditions of Employment of Senior Managers

<sup>15</sup> 15(1) – 15(6) of GG37245 LG Regulations for Appointment and Conditions of Employment of Senior Managers

<sup>16</sup> 16(1) – 16(5) of GG37245 LG Regulations for Appointment and Conditions of Employment of Senior Managers

- Recommended candidates must undergo competency assessments
- Competency tools must be applied fairly.
- Competency tools may not be biased.
- Municipal must provide budget for competency assessments.
- Selection panel must submit recommendation and reports to council.

### **5.13 Municipal Council Resolution**

The municipal council resolutions regarding the appointment of senior managers and the related municipal actions must meet the requirements stipulated in the regulation.<sup>17</sup>

Before making decision, council must ensure:

- Candidate meets relevant competency requirements.
- Screening has been conducted according to the regulations.
- Candidate does not appear in record of staff members dismissed.

Council must make decision on suitable candidate.

- Municipality must:
- Inform all applicants (successful and unsuccessful) of outcome.
- Submit written report submission to MEC within 14 days.

Report must contain:

- Details of advertisements, date of issue, name of newspaper.
- List of all applicants.
- Report on the screening process.
- Council resolution approving selection panel and shortlisted candidates.
- Recommendation of the Executive committee or Mayor of the municipality.
- The application form, CV, proof of qualifications of successful candidate.
- A written confirmation from successful candidate that the candidate does not hold a political office.

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<sup>17</sup> 17(1) – 17(4) of GG37245 LG Regulations for Appointment and Conditions of Employment of Senior Managers

- Letter of appointment outlining the terms of contract.
- Other relevant information.

#### **5.14 Re-employment/Dismissed Persons**

The dismissal and or Re-employment of Senior Managers must meet the requirements stipulated in the regulation.<sup>18</sup>

- Persons dismissed for misconduct may not be reappointed as senior manager.
- SM who lodges complaint is excluded.
- Municipality must maintain records of staff dismissed.

Records of dismissed staff must contain the following:

- Name & Surname of staff member.
- Name of municipality.
- Post and title.
- Nature of misconduct.
- Date of suspension.
- Conditions of suspension.
- Date of commencement of disciplinary hearing.
- Finding and category of misconduct.
- Cost incurred by municipality.
- Date of resignation or dismissal of senior manager.
- Whether dismissal has been appealed.
- Status of the appeal.

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<sup>18</sup> 18(1) – 18(8) of GG37245 LG Regulations for Appointment and Conditions of Employment of Senior Managers

### **5.15 Re-advertising Vacancy**

Re-advertising of a vacancy because no suitable applicants applied must meet the requirements of the regulation.<sup>19</sup>

- Inform all shortlisted candidates that applications were not successful
- That post may be re-advertised

### **5.16 Nepotism**

Applicants must declare any relationship to existing employees.

### **5.17 Elimination of Unfair Discrimination**

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

- 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.
- 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.

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<sup>19</sup> 19(1) of GG37245 LG Regulations for Appointment and Conditions of Employment of Senior Managers

## **5.18 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 is directly applicable to the Employer.

## **5.19 Affirmative Action**

As a designated employer the Ulundi 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:

- Measures to identify and eliminate employment barriers, including unfair discrimination, which adversely affect people from designated groups.
- 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.
- Measures to ensure the equitable representation of suitably qualified people from designated groups in all occupational levels in the workplace of the Employer.
- 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.
- 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.

- 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.