

Placement Policy

BITOU MUNICIPALITY



PLACEMENT POLICY

Approved Council under Council Resolution: C/3/68/06/13 on 27 June 2013

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1. BACKGROUND

The policy on the placement of staff is intended to provide guidelines. It is noteworthy that Section 57 of the Municipal Systems Act makes provision for those persons to be appointed and not placed in those designated posts. Those persons therefore fall outside the ambit of the placement policy.

The placement of staff must be consistent with applicable labour legislation.

The placement of staff must not –

- i) Disrupt the effective and efficient delivery of service;
- ii) Be used as a punitive measure against employees;
- iii) Be used to promote or demote employees.

During the placement process no additional remuneration must be paid in any form to any employee. The issue of parity must not be addressed during this process. This will be dealt with at a national level.

2. STATEMENT OF INTENT

The parties accept that:

- 2.1 Arising from the need to restructure local government and functions within the applicable demarcated areas, the re-organization of existing staff structures (including geographic re-deployment) may be necessary to meet operational objectives to service delivery. All restructuring shall take place in accordance with the principles contained in the policy.
- 2.2 The contracts of employment of all staff of the disestablished municipalities have been transferred as part of a going concern to be newly established municipalities in terms of Section 197 of the Labour Relations Act as from 06 December 2000.
- 2.3 The placement of staff shall be done in a matter 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.

3. ORGANOGRAMS

- 3.1 Bitou Municipality shall prepare the envisaged final organograms of all departments and submit this proposal to the Local Labour Forum for consultation.
- 3.2 Where it is not possible at this stage to prepare final organograms, the temporary deployment of staff shall take place in terms of structures prepared on a "cut and paste" basis.
- 3.3 The IDP for the municipality shall inform the organogram and the principle of "structure follow strategy" shall apply.
- 3.4 All organograms, whether final or on a "cut and paste" basis are to be referred to the Local Labour Forum for consultation prior finalization by the Council.

4. PLACEMENTS

4.1 People follow function

The application of this principle entails that employees are not moved from one geographical location to another location without the function which the employee is performing necessitating such movement.

4.2 Empty the pool first

Every attempt shall be made to place the existing employees that were transferred in terms of Section 197 of the Labour Relations Act, first into the post that will be created in the new structures. If no placement in terms of the agreed criteria can be made, the employer will advertise the post and fill the post with the most suitable external candidate.

New major changed posts and identified strategic important posts will be advertised both internally and externally and an appointment will be made in terms of the appointment criteria.

Employees are to be placed in the structure on a permanent basis.

The parties are committed to ensure continuity of employment and every attempt will therefore be made to ensure that no retrenchment/redundancy will occur, provided that the effected 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.

4.3 Close match placement

Employees are to be placed in the new structure on a close match basis.

In close matching a post, the job content of the "new" post is compared to 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 the post, eg. a typist will be close matched to a typing post, a labour to a labour.

Where the close match cannot be done one hundred percent, the match must be done on the most matched job content. The focus should be on the crux of the job eg. accountant job content will be matched against a post that contains the most stipulations reflecting accounting duties.

The close match is done on job content and not job designation. Post designation may however be used as an indicator.

Please note that the salary of an employee plays no role in the placement. Salary determination and the equalization therefore are addressed further on.

4.4 Additional factors

Where more than one employee can be close matched to a post and there are more employees than there are posts, the following factors will be used to facilitate the placement decision:

The provision of the Employment Equity Act and Affirmative Action must be the overriding factor that will decide placement and preference to the placement of designated persons must strictly be adhered to.

4.5 Placement Committee

Each municipality must create a Placement Committee consisting of equal numbers eg TRADE UNION and Employer representatives.

The Committee should compose of at least four(4) but not more than eight (8) members eg tow per side of four (4) per side.

The Placement Committee will have the following terms of reference:

"To consider and reach consensus regarding the placement of existing employees into posts in the new structures"

The Placement Committee shall strive to reach consensus on the staff placement. Where consensus cannot be reached the Council's proposal will be published.

4.6 Publication of Decisions

All decisions, whether by consensus or in the case of no consensus, the Council's decision shall be communicated to employees by means of publication in a circular specifically for this purpose and shall be displayed on general notice boards located at places agreed upon by the unions.

The individual employees to be placed will be notified in writing by way of a personalized letter.

4.7 Placement Procedures

The placement will take the place as follows:

4.7.1 Classification of posts

The Placement Committee will classify the posts in the structure in the following four categories:

Placement in terms of these categories takes place in the following manner:

4.7.1.1 Unchanged posts

These are posts that have had no change to their scheduled duties or geographical location.

The municipalities 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.

4.7.1.2 Minor changed posts

These are posts involving minor changes to the duty schedule, which has not material effect on the level of responsibility. It might also involve a mere change in title without a change in duties.

The municipalities need to submit the names and other form of identification used of the present incumbents to the Placement Committee for confirmation.

4.7.1.3 Major changed posts

These are posts which have undergone a major change to their duties and responsibilities. This will necessitate that the post be evaluated.

These posts will be advertised internally and externally.

4.7.1.4 New posts

These are posts which carry duties and responsibilities that do not exist in any form in the present structures.

These posts with the detailed duty schedules must be submitted for evaluating and pricing. These posts will then be advertised both internally and externally and appointment will be made in terms of the appointment criteria.

5. DISPUTE/OBJECTION PROCESS

This objection must be lodged within ten (10) working days of the Placement Committee's publication/notification or date of receipt of the decision by the individual employee.

5.1 Objection Committee

The Objection Committee shall consist of an equal number of employers and Trade Union representatives appointed by the Provincial divisions of the South African Local Government Bargaining Council.

The Objection Committee shall consider the objection, taking into account the points raised by the objector but shall apply the same criteria process and procedures as the Placement Committee.

The Objection Committee shall pronounce on the objection within fifteen (15) working days from receipt of the objection.

5.2 Arbitration Process

Any party has the right to refer the placement to arbitration within between one (21) days of the decision of the Objection Committee. The arbitrator's terms of reference will be guided by the collective agreement.

The employers proposal will stand up until the finalization of the arbitration except where the employer decides to implement the decision of the objection committee. The arbitration must be finalized within 60 (sixty) days of the date of the referral for arbitration.

6. **JOB EVALUATION**

6.1 Within one (1) year of the completion of the Placement Job Evaluation Committee of the Bargaining Council shall evaluate all the posts of the newly formed local authority in accordance with the agreed national job evaluation system.

7. **CONDITIONS OF SERVICE**

7.1 All employees transferred to the newly established municipality shall from the commencement date of the newly formed municipality be subject to the following:

7.1.1 No interruption in Conditions of Employment or service shall occur. All employees shall retain their benefits as if their services were not interrupted.

7.1.2 Employees who, prior to amalgamation resigned from the service of their municipality, shall be entitled to their normal benefits and the normal principles of that specific municipality, with regard to the resignation of personnel. These matters shall explicitly fall outside the jurisdiction of the new-formed municipality.

7.1.3 All staff of the newly formed municipality shall retain all their current conditions of employment following placement in the new structures until rationalization of such conditions of employment has been completed within the bargaining council and the evaluation of all posts in terms of 5.2 above.

7.1.4 Notwithstanding the provisions of 7.1.3, the salaries and benefits of staff shall be adjusted in accordance with any collective agreements concluded in the bargaining council.

8. **GEOGRAPHICAL RELOCATION**

8.1 All recommendations on placements are to indicate whether geographical relocation of staff will be required.

8.2 Geographical re-deployment of staff will only take place for the following sound operation and/or economic reasons:

8.2.1 The functions of the post/s are to be delivered in another geographical area.

8.2.2 The functions of the post/s may be reduced and/or combined resulting in a necessity to rationalize resources.

8.2.3 The functions of the post may be abolished in that particular geographical area.

8.3 Where it is necessary to geographically re-deploy only part of a section /department, the selection of employees for re-deployment in each of the effected job categories will be done in terms of the following criteria:

- 8.3.1 Call for volunteers from employees within each job category.
- 8.3.2 Should too many affected employees volunteer to be re-deployed, then selection will be done on the basis of "first in, first opportunity" (FIFO)
- 8.3.3 Should too few affected employees volunteer to be deployed, then selection will be done on the basis of "last in, first out" (LIFO, i.e. the employees with the shortest service in the job category concerned will be selected for re-deployment.
- 8.4 In the event of equivalent vacancies subsequently being advertised at the previous geographic location within a period of twelve (12) months from re-deployment, any re-deployed employee will receive preference should he apply for transfer thereof.
- 8.5 In the case of an employee accepting geographical relocation, and such employee, moves his place of residence in order to reside closer to his new place of work, the council concerned will pay the cost of removal of his household goods to his new place of residence.
- 8.6 In the case where the employee does not move his place of residence, additional traveling arrangements of costs may be negotiated with the municipality, based on sound economic reasons.

9. REDUNDANCY/RETRENCHMENT

The following will not constitute ground for retrenchments/redundancy.

- 9.1 Reasonable geographical re-deployment
- 9.2 The transfer from one employer to another employer without any changes to functions and/or conditions of employment in terms of section 197 of the Labour Relations Act.

10. WHOLE AGREEMENT

This constitutes the whole agreement between the parties. Any additions will only be valid if in writing and signed by all parties.