

# **Ordinary Council (OPEN) Meeting**

## **27 January 2024**

### **Addendum 1:**

**10.**

SECTION 3: CORPORATE SERVICES			
ITEM NO	SUBJECT	FIL REF	PG
C/3/268/01/25	REVIEWED DRAFT PLACEMENT POLICY 2025	4/3/P	3

# **SECTION 3**

## **CORPORATE SERVICES**

### Section 3: Corporate Services

ITEM C/3/268/01/25

#### REVIEWED DRAFT PLACEMENT POLICY 2025

**Portfolio Comm:** Finance and Corporate Services

**File Ref:** 4/3/P

**Demarcation:** All Wards

**Delegation:** Council

**Attachments:** Annexure A Draft Reviewed Placement Policy  
Annexure B Draft Minutes of SLLF  
Annexure C SLLF Attendance Register

**Report from:** Acting Director: Corporate Services

**Author:** Manager HR Administration

**Date:** 23 January 2025

#### **PURPOSE OF THE REPORT**

To request Council to reconsider proposed amendments and approve the Draft Reviewed Placement Policy 2025 arising from the reviewal process of the organizational structure of the Municipality on 12 December 2024

#### **BACKGROUND /DISCUSSION**

In the implementation of the new Municipal Staff Regulations which must be read in line with the Municipal Systems Act, the Municipal Council is obliged to determine the staff establishment requirements necessary to perform the duties and functions in fulfilling its tasks.

Municipalities must review its staff establishment after having considered the principles set in the Regulations, adoption of a new Integrated Development Plan or when there are significant changes to the outer boundaries of the Municipality or its functions.

Consistent consultation was embarked upon in the year 2024 to review the organizational structure including meetings with the Executive Management team (directors), Council and representative trade unions to make their contributions.

The council at its meeting of 12 December 2024 approved the revised structure under Resolution C/1/105/10/23.

#### **PLACEMENT PROCESS**

This is a defined process wherein the Municipality will attempt to place all existing employees into the revised approved organizational structure accordingly. In placing the employees in the new structure, employees shall be placed on a close- match basis wherein the job content of the new post must be compared with the existing job content of the employees.

### **Section 3: Corporate Services**

However, to manage the process with legitimacy and fairness it deserves, a comprehensive Placement Policy must be adopted by Council as a guide to leading the process. The policy should be coupled with the establishment of the Placement Committee which should be inclusive as much as possible by relevant stakeholders including equal representation from the employee and employer components.

#### **ROLE OF THE PLACEMENT COMMITTEE AND ITS COMPOSITION**

The Placement committee is established to deal with the placement process. It is a platform to consider and reach consensus regarding placement of staff into posts in the adopted organizational structure, and to strive to reach consensus anyway possible.

#### **CONSULTATION WITH LABOUR ON DRAFT PLACEMENT POLICY**

Consultation with organized labour Union through the LLF on Thursday 23 January 2025, was conducted, with further deliberations on Friday 24 January 2025 in the office of the Director: Corporate Services. The amendments were supported by the SAMWU taking into consideration their submissions. IMATU reserved their comments.

#### **HUMAN RESOURCE IMPLICATIONS**

Placement of staff in accordance with the reviewed structure.

#### **FINANCIAL IMPLICATION**

The structure costing will be considered in the Annual Budget report.

#### **RELEVANT LEGISLATION**

- LG: Municipal Systems Act, No 32 of 2000 and Regulations
- Labour Relations Act
- Employment Equity Act
- Skills Development Act
- MFMA
- SALGBC Collective Agreement
- SALGBC Collective Agreement on Conditions of Service for the Western Cape Division

#### **RECOMMENDED BY THE MUNICIPAL MANAGER**

That Council approves the Revised Draft Placement Policy 2025 as a guide to be used for the placement of staff into posts after the adoption of the new organizational structure.



<b>Policy Title</b>	<b>BITOU REVISED PLACEMENT POLICY 2025</b>
APPROVED UNDER	<b>C/</b>
Council Approval date	

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## 1. PURPOSE

The purpose of this policy is to provide a framework for the placement of staff when the organizational structure has been approved after being revised in accordance with the operational requirements of the Bitou Local Municipality.

## 2. DEFINITIONS

**“employer”** means the Bitou Local Municipality established in terms of section 12 of the Local Government Municipal Structures Act, 1998, (N0 17 of 1998);

**“employee”** means a person that has been appointed on fulltime basis by the Municipal Manager of the Bitou Local Municipality in terms of the powers vested in him in terms of section 55 ( e) of the Local Government Municipal Systems Act, 2000 (No. 32 of 2000);

**“parties”** means the employer and employee as defined;

**Organisational Structure/Organogram”** means the approved structure of the Bitou Local Municipality reflecting all the departments and positions;

Words indicating the masculine gender shall include the feminine gender

## 3. STATEMENT OF INTENT

The parties accept that:

3.1 Arising from the need to restructure the municipality 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.

3.2 The contracts of employment of all staff are not affected by the placement process.

3.3 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.

## 4. ORGANOGRAMS

4.1 The Bitou Municipality followed due process to review the organizational structure and tabled it to Council on the 12 December 2024 to be approved by Council, which indeed Council approved the reviewed structure in the meeting held at Council Chambers on 12 December 2024.

4.2 Placement process can only take place in terms of the new organizational structure which was approved on 12 December 2024.

## **5. PLACEMENTS**

### **5.1 People follow function**

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

### **5.2 Empty the pool first**

- 5.2.1** Every attempt shall be made to place all existing employees first into the posts 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 a suitable internal/external candidate.
- 5.2.2** 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 as contained in the approved Recruitment and Selection Policy.
- 5.2.3** Employees are to be placed in the structure on a permanent basis.
- 5.2.4** 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 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.

### **5.3 Close match placement**

- 5.3.1** Employees are to be placed in the new structure on a close match basis.
- 5.3.2** In close matching a post, the job content of the “new” post is compared to the existing job content of the employees.
- 5.3.3** 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 General Assistant to a General Assistant.
- 5.3.4** Where a 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.

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

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

#### **5.4 Additional factors**

5.4.1 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.

5.4.2 The provisions of the new staff regulations on qualifications and competencies of the persons must be the overriding factor that will decide placement preference, however, provision of the Employment Equity Act and Affirmative Action must be considered and also placement of designated persons must be considered.

### **6. PLACEMENT COMMITTEE**

6.1 Placement Committee will consist of equal numbers of organized labour and Employer Representatives. The Employer Representative must include Director Corporate Services and The Director Financial Services.

6.2 The Composition of the committee shall be determined by the Municipal Manager subject to clause 6.1.

6.3 The Employer Representatives must be appointed by the Municipal Manager subject to clause 6.1.

#### **The Placement Committee will have the following terms of reference**

- 6.3.1 *Ensuring the proper placement of employees into the new Council approved organizational structure in accordance with the procedure.*
- 6.3.2 *Ensuring the placement process is finalized.*
- 6.3.3 *Considering submissions made by the Departmental Head/ Human Resources for the placement of employees into the new structures.*
- 6.3.4 *Communicating relevant decisions to the employees concerned via the Office of the Municipal Manager.*
- 6.3.5 *To consider and endeavor to reach consensus regarding the placement of all existing employees into posts in the new Council approved organizational structure, in accordance with the provisions of the policy.*
- 6.3.6 *Where consensus cannot be reached on staff placement, the Municipal Manager as the custodians of the organizational structure and head of the administration will be the decision maker.*

## **7. COMMUNICATION**

- 7.1 The individual employees to be placed will be notified in writing by way of a personalized letter signed by the Municipal Manager or Director Corporate Services.

## **8. PLACEMENT PROCEDURES**

### **8.1 Classification of posts**

**The placement will take place as per below principles guiding the degree of change to a job**

<b>Type of change</b>	<b>Description and Guidelines</b>
<b>Materially change</b>	<b>Involves substantial changes which may include:</b> <ul style="list-style-type: none"> <li><b>• Change to the number of subordinates reporting into the person;</b></li> <li><b>• Increased accountability which entails the overall oversight of an activity or activities;</b></li> <li><b>• Increased responsibility to undertake the function;</b></li> </ul>

	<ul style="list-style-type: none"> <li>• Impact and changes that relate to the physical location and travel requirements for the job; or</li> <li>• Change in the level.</li> </ul>
<b>Change to a limited or non-material degree</b>	<b>Minor changes on undertaking the job that the person can easily be trained on, such as technology changes, etc.</b>
<b>Abolished</b>	<b>There is no longer a need for this job in the new staff establishment, so it ceases to exist and subsequently becomes redundant.</b>
<b>Not affected by the changes</b>	<b>Nothing changes from how the job was previously executed as per the old job description.</b>

## 9. DISPUTE/OBJECTION PROCESS

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

### 9.1 Objection Committee

9.1.1 The Objection Committee shall consist of an equal number of 2 Representatives from the Employers and 1 Trade Union representatives each recognized Unions in the Bitou Municipality and from Employer shall be appointed by the Municipal Manager.

9.1.2 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.

9.1.3 The Objection Committee shall pronounce on the objection within fifteen (10) working days from receipt of the objection.

9.1.4 Every individual employee and/or trade union on behalf of their members shall have the right to lodge an appeal or submit an objection regarding a placement or non- placement to the Appeal Authority. The Municipal Manager shall be the Appeal Authority, except in terms of clause 7.5.6, where the Municipal Manager made a decision where the placement committee could not reach consensus. In this instance, his delegate has not been involved with the placement process.

9.1.5 Such objection or an appeal must be submitted to the Appeal Authority within 10 working days of date of receipt of a decision by an individual employee.

9.1.6 The Appeal Authority, either the Municipal Manager or the Municipal Manager delegate, may request an expert or technical advisor to assist with the objection or appeal and may also request the assistance of a nominated representative, being internally or externally sourced.

9.1.7 The Appeal Authority must consider an objection or appeal within 10 working days from submission thereof. The outcome of the objection or appeal must be in writing and communicated to the affected employee or his/her union representative.

## **9.2 Arbitration Process**

9.2.1 Any affected party has the right to refer a dispute about his/her placement to the SALGBC and shall be dealt with in accordance with the Labour Relations Act 66 Of 1995.

## **10. JOB DESCRIPTIONS**

10.1 All New post and major changed post will have job description within a period of six month.

## **11. JOB EVALUATION**

10.1 All new posts will be referred to the evaluation committee for Task Evaluation.

## **12. CONDITIONS OF SERVICE**

**12.1 All employees placed in terms of the new Organisational Structure shall from the effective placement date be subject to the following:**

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

12.1.2 All staff shall retain all their current conditions of employment following placement in the new structures and subject to conclusion of the process in terms of 8.2 above.

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

## **13. GEOGRAPHICAL RELOCATION**

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

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

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

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

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

13.2.4 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:

*13.2.4.1 Call for volunteers from employees within each job category.*

*13.2.4.2 Should too many affected employees volunteer to be re-deployed, then selection will be done on the basis of “first in, first opportunity” (FIFO)*

13.3 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.

13.4 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.

13.5 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.

13.6 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.

#### **14. REDUNDANCY/RETRENCHMENT**

The following will not constitute ground for retrenchments/redundancy.

14.1 Reasonable geographical re-deployment

14.2 The transfer from one section/**director**ate to another section/**director**ate for operational requirements.

#### **15. DURATION OF THE PLACEMENT**

**Title: Revised Placement Policy (approved under Item C/3/71/10/22 on 31 October 2022**

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The placement process will commence as soon as the committee is appointed, and shall end when all processes have been concluded but shall not exceed 12 months.

**DRAFT MINUTES OF THE SPECIAL LOCAL LABOUR FORUM OF BITOU LOCAL MUNICIPALITY, HELD ON 23 JANUARY 2025 AT 14H00 AT THE COUNCIL CHAMBERS.**

**1. OPENING AND WELCOMING**

The Chairperson welcomed everyone present.

**2. FOR NOTING**

The meeting was scheduled to start at 14h00 but only commenced at 14h05.

**3. APOLOGIES**

**Employer Component:** Acting Director Planning and Development: Attending a site visit with Cllr Olivier

Director Corporate Services: Attending a meeting in Mossel Bay

**Union Component:** Andile Gouws: On annual leave

Ricardo Pedro: On sick leave

Roger Ticky: Family leave

**4. ATTENDANCE REGISTER**

Circulated to all members present for signature. (Attendance register attached as a true reflection of attendees).

**5. CONFIRMATION OF MINUTES**

Not applicable

**6. AGENDA**

The item on the agenda is the reviewed draft placement policy 2025 of Bitou Local Municipality. The agenda was circulated prior to the meeting to facilitate engagement. Hard copies were also provided to all members in attendance.

Mr. William Cloete, Senior Labour Relations Officer, provided a synopsis of the item, after which the forum was invited to respond.

Mr. William Cloete, then delved into Annexure A and proceeded to explain the changes that were made to the policy which were highlighted in red for ease of reference.

He began with the definitions that were added and Cllr Mangxaba requested that we move on to the important changes to save time.

Number four, organograms, was explained to which Cllr Mangxaba suggested that 4.1 and 4.2 should state that placement should be consistent with the current approved organizational structure. The forum agreed with the suggestion.

The changes to number five, placements, was discussed and there were no objections to the additions that were made.

The changes to number six, placement committee, was presented and the union representative requested clarity on 6.3. stating that the Municipal Manager cannot appoint the employee representative. The chairperson agreed and suggested that perhaps it was a typo and that it should read employer representative. The forum agreed.

Number nine, dispute/objection process, was presented, there were no objections to changes to 9.1.1. and 9.1.4.

Number 9.2.1 the arbitration process was explained and there were no objections.

Number 10, job descriptions was presented and the union represented stated that all positions should have approved evaluated job descriptions as per the staff regulations. Cllr Mangxaba stated the forum should refrain from discussing individual cases and that we should focus on the changes to the policy.

Number 11 was discussed, and it was noted that the number should read 11.1 and not 10.1. There were no objections to the changes.

Number 14.2 was discussed and the forum purported that 12 months is too long a time frame and that it should be 6 months in order to avoid affecting staff morale as a result of remaining in purgatory due to the process being dragged out. The forum agreed to this change.

The chairperson asked the forum for approval, to which the union representative stated that they were uncomfortable with approving the policy because of the short notice.

Cllr. Mangxaba suggested that Mr. William Cloete workshop the policy with the unions to ensure that they are comfortable with the content of the policy in its entirety. The forum agreed and the workshop will be taking place the next day on 24 January 2024 at 08:00.

The chairperson concluded the meeting.

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END

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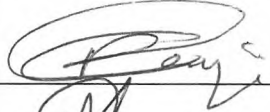


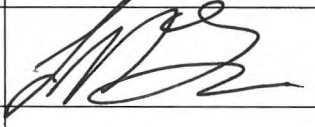



**BITOU MUNICIPALITY****NATURE: SPECIAL LOCAL LABOUR FORUM MEETING****DATE: 23 January 2024 at 14H00****VENUE: COUNCIL CHAMBERS**

NO	NAME AND SURNAME	RELATION	CONTACT NUMBER	SIGNATURE
1	Mbulelo Memani	Employer Representative		
2	Luvuyo Loliwe	Employer Representative		
3	Chris Schliemann	Employer Representative		
4	Andre Zindlu	Employer Representative	#3426	
5	Siyasanga Vandala	Employer Representative	#3262	
6	Thembekile Machelesi	Employer Representative	#3443	
7	Venus Cunningham	Employer Representative		
8	William Cloete	Employer representative	3030	
9	Samkele Aluncedo Mangxaba	Councilor		
10	Annelise Olivier	Councillor		
11	Nokuthula Seti	Councillor		

Attended online

**BITOU MUNICIPALITY****NATURE: SPECIAL LOCAL LABOUR FORUM MEETING****DATE: 23 January 2024 at 14H00****VENUE: COUNCIL CHAMBERS**

12	Linus N. Freecks	Union Representative	078574 8411	
14	Andile Brian Gouws	Union Representative	Leave.	
15	Sithenkosi Innocent Bobani	Union Representative		
17	Clifton Cortjie	Union Representative	0644 316080	
18	Ntsikelelo Mamfengu	Union Representative	044501 3423 0732770534	
20	Ricardo Pedro	Union Representative		
21	Mawande Sompani	Union Representative	060 365 3444	
22	Candice Davids	Labour Relations Officer		
23	Leah Tau	Incapacity & EAP Officer		
28	Dina Esau	Samvu	07931 53610	
29				