



Policy Title	BITOU REVISED PLACEMENT POLICY 2022
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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.

2. STATEMENT OF INTENT

The parties accept that:

- 2.1 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.
- 2.2 The contracts of employment of all staff are not affected by the placement process.
- 2.3 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.

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 The IDP for the municipality shall inform the organogram and the principle of “structure follow strategy” shall apply.
- 3.3 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

- 4.1.1** 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.

4.2 Empty the pool first

- 4.2.1** 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.
- 4.2.2** 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.
- 4.2.3** Employees are to be placed in the structure on a permanent basis.
- 4.2.4** 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.

4.3 Close match placement

- 4.3.1** Employees are to be placed in the new structure on a close match basis.
- 4.3.2** In close matching a post, the job content of the “new” post is compared to the existing job content of the employees.
- 4.3.3** 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.
- 4.3.4** 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.

- 4.3.5 The close match is done on job content and not job designation. Post designation may however be used as an indicator.
- 4.3.6 Please note that the salary of an employee plays no role in the placement. Salary determination and the equalization therefore are addressed further on.

4.4 Additional factors

- 4.4.1 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.
- 4.4.2 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, subject to suitable qualification and experience.

5. PLACEMENT COMMITTEE

- 5.1 Bitou municipality will create a Placement Committee consisting of equal numbers e.g. Trade Union and Employer representatives.
- 5.2 The Committee shall comprise of eight (8) members consisting of four (4) members from each side.
- 5.3 The Placement Committee will have the following terms of reference:
- 5.3.1 *To consider and reach consensus regarding the placement of existing employees into posts in the new structures.*
- 5.3.2 *The Placement Committee shall strive to reach consensus on the staff placement. Where consensus cannot be reached the Council's proposal will be published.*
- 5.4 The role of the Unions will be as follows:
- 5.4.1 *The Union representatives will attend all Placement Committee meetings;*
- 5.4.2 *The Union representatives will monitor and ensure that the Placement Committee adheres to all stipulations as mutually agreed upon in this procedure;*
- 5.4.3 *The Union representatives will ensure that the abovementioned stipulations are applied consistently by the Placement Committee;*
- 5.4.4 *The Unions will have an observer status but are at liberty to officially object to any of the decisions taken by the Placement Committee*

5.5 The role of the employer representatives will be as follows:

- 5.5.1 *The employer representatives must arrange and attend all Placement Committee meetings;*
- 5.5.2 *The employer representatives will do all preparatory work for the meeting and supply to the secretariat;*
- 5.5.3 *The employer representatives will ensure that the provisions of the policy and applied consistently.*

5.6 Functions of the Committee

The primary functions of the Committee include, but are not necessarily limited to:

- 5.6.1 *Ensuring the proper placement of employees into the new Council approved organizational structure in accordance with the procedure.*
- 5.6.2 *Ensuring the placement process is finalized.*
- 5.6.3 *Considering submissions made by the Departmental Head/ Human Resources for the placement of employees into the new structures.*
- 5.6.4 *Communicating relevant decisions to the employees concerned via the Office of the Municipal Manager.*
- 5.6.5 *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.*
- 5.6.6 *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.*

6. PUBLICATION OF DECISIONS

- 6.1 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.
- 6.2 The individual employees to be placed will be notified in writing by way of a personalized letter.

7. PLACEMENT PROCEDURES

The placement will take the place as follows:

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:

7.1.1 Unchanged posts

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

7.1.1.2 The municipality 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.

7.1.2 Minor changed posts

7.1.2.1 These are 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.

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

7.1.3 Major changed posts

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

7.1.3.2 These posts will be advertised internally and externally.

7.1.4 New posts

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

7.1.4.2 These posts with the detailed duty schedules must be submitted for evaluating and pricing.

7.1.4.3 These posts will then be advertised both internally and externally and appointment will be made in terms of the approved Recruitment and Selection Policy.

8. 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.

8.1 Objection Committee

- 8.1.1 The Objection Committee shall consist of an equal number of Employers and Trade Union representatives appointed in the Local Labour Forum.
- 8.1.2 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.
- 8.1.3 The Objection Committee shall pronounce on the objection within fifteen (15) working days from receipt of the objection.
- 8.1.4 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, the Executive Mayor, or his/ her nominee, shall be the Appeal Authority.
- 8.1.5 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.
- 8.1.6 The Appeal Authority, either the Municipal Manager or the Executive Mayor, 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.
- 8.1.7 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.

8.2 Arbitration Process

- 8.2.1 Any affected 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 this Place Policy.

- 8.2.2 The Employer's proposal will stand up until the finalisation 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.

9. JOB DESCRIPTIONS

- 9.1 After the placement process has been completed, all incumbents will receive Job Descriptions for the posts they have been placed in.
- 9.2 All incumbents will be afforded the opportunity to study, render comments and make proposals on these job descriptions.
- 9.3 All incumbents will also have the right to consult with their unions, supervisor and Director on the content of their job descriptions.
- 9.4 Once Job Descriptions have been finalized they will be signed off by the incumbent, the trade unions, his/ her supervisor, the Director and the Municipal Manager, before being submitted to the District Job Evaluation Task Group for grading.
- 9.5 Once the grading results have been received, the new post grades will be implemented retrospectively on the month after which the placement process has been concluded.

10. JOB EVALUATION

- 10.1 Within one (1) year of the completion of the Placement, the Job Evaluation Committee shall evaluate all the posts in accordance with the agreed national job evaluation system.

11. CONDITIONS OF SERVICE

- 11.1 All employees placed in terms of the new Organisational Structure shall from the effective placement date be subject to the following:**
- 11.1.1 No interruption in Conditions of Employment or service shall occur. All employees shall retain their benefits as if their services were not interrupted.
- 11.1.2 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.
- 11.1.3 Notwithstanding the provisions of 10.1.2, the salaries and benefits of staff shall be adjusted in accordance with any collective agreements concluded in the bargaining council.

12. GEOGRAPHICAL RELOCATION

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

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

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

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

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

12.2.4 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:

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

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

12.3 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.

12.4 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.

12.5 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.

12.6 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.

13. REDUNDANCY/RETRENCHMENT

The following will not constitute ground for retrenchments/redundancy.

13.1 Reasonable geographical re-deployment

13.2 The transfer from one section/**directorate** to another section/**directorate** without any changes to functions and/or conditions of employment.

14. WHOLE AGREEMENT

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

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