

The primary object of this policy is to develop human resources capacity, place employees in the organizational structure in a fair and equitable manner.

Object

Council Resolution CR98-30/05/23

PLACEMENT POLICY



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1. DEFINITIONS

In this policy unless the context indicates otherwise —

"An employee" means any person excluding and independent contractor, who works for another person or for the state and who receives, or is entitled to receive any remuneration or any other person who in any manner assists in carrying on or conducting the business of the employer.

"Councillor" means a councillor as defined in the Local Government: Municipal Systems Act, 32 of 2000

"Close match placement" means placing an employee in a post of which the job content of the "new" post must be compared with the existing job content of the employee

"Duty sheet" means a summary of all the detailed functions and responsibilities of a post

"Employer" means the Greater Giyani Municipality

"Geographical relocation" means the relocation of an employee if the core of the tasks performed by him is no longer required to be performed at the place where the employee normally works

"Local Labour Forum" means a consultative forum established at the workplace with equal representation from the trade unions and the employer.

"Most match job" means the most matched job content/profile focusing on the crux of the job; "Geographic area" means an area determined in terms of the Local Government Municipal Demarcation Act, Act 27 of 1998

"Municipal Manager" in section 82 of the Structures Act

"Objections Committee" means a committee appointed by the SALGBC to decide on objections that are lodged

"Operational requirements" means the chief executive officer of the Municipality irrespective of an employee acting in such capacity in terms of a decision of the municipality as contemplated means requirements based on the economic, technological structural or similar needs of the employer as contemplated by the Labour Relations Act, as amended

"Organogram" means the approved staff establishment of the municipality and used interchangeably with the term "Structure" (hierarchical) also see "post"

"Permanent" means an established position on the organogram agreed upon and protected within the parameters of the LRA, Basic Conditions of Employment Act and Municipal Systems Act

"Placement" means the process of populating employees in the newly established organogram

"Placement Committee" means a committee established to consider the placement of existing employees into posts in the new structures

"Placement Policy" means a policy to ensure that the placement of staff shall be done in a manner that is consistent with any existing employment equity and skills development plans and/or the objectives of the employment equity and Skills Development Acts and any applicable legislation and council policies "Position" means a position in the Municipality's hierarchical structure to which specific duties are assigned in the administration process

"Redundancy" means the term applied when factors such as economic recessions, mechanization, loss of income, re-organisation and rationalization of manning levels result in particular jobs no longer being necessary, in which event the specific job becomes redundant as contemplated by the LRA or any applicable legislation "SAMWU" means the South African Municipal Workers Union

"TASK" means a tuned assessment of skills and knowledge job evaluation system

The parties accept that:-
(a) Arising from the need to structure local government and functions within the applicable demarcated areas, the re-organisation of existing staffing structures including geographic

6. STATEMENT OF INTENT

- (a) Basic Condition of Employment Act, 75 of 1998 as amended
- (b) Employment Equity Act 55, 1998
- (c) Greater Giyani Placement Policy
- (d) Labour Relations Act, 66 of 1995
- (e) SALGABC Collective Agreements
- (f) Local Government: Municipal Systems Act, 32 of 2000
- (g) Constitution of the Republic of South Africa, Act 108 of 1996 (h) Skills Development Act

5. LEGISLATIVE FRAMEWORK

This policy applies to affected council employees of the Greater Giyani Municipality.

4. SCOPE OF APPLICATION

- (a) To develop a human resources capacity to enable the municipality to perform its functions and exercise its powers in an economical, effective, efficient and accountable way.
- (b) Review the organisational structure to ensure alignment with the IDP and service delivery to South African citizens.
- (c) Place employees in the organisational structure in a fair and equitable manner.
- (d) Ensure consistency in the placement of staff in the organisational structure as provided for in the placement guidelines.
- (e) Ensure the placement of staff must not disrupt the effective and efficient delivery of services.
- (f) Ensure that placement of staff should not be used as a punitive measure against employees.
- (g) Ensure that placement of staff should not be used to promote or demote employees.

3. OBJECTIVES OF THE POLICY

Whereas the Structures Act and demarcation results necessitate the incorporation of personnel into one personnel structure for each municipal demarcated area, this policy document seeks to address the placement of employees in the organogram of the municipality to ensure that it achieves its mission.

2. PREAMBLE

"Trade Union" means a registered trade union or two or more registered trade unions that are sufficiently representative of the employees
"Union Representative" means a representative as defined in section 213 of the Labour Relations Act, as amended

location, re-deployment may be necessary to meet operational objectives to service delivery.

- (a) Employees shall not be moved from one geographical location to another location without the function, which the employee is performing necessitating such movement.
- (b) In this regard the parties agree that every attempt shall be made to place the existing employees that transferred in terms of Section 197 of the Labour Relations Act, first into the posts that will be created in the New Organizational Structure, taking into account the operational requirements of the municipality.
- (c) The parties are committed to ensure continuity of employment. Every attempt will therefore be made to ensure that no retrenchment or redundancy will occur, provided that the affected employees are willing to accept alternative positions that are offered.
- (d) In this regard every effort will be made to ensure that such alternative offers are reasonable.
- (e) Job Content — in placing employees in new structures, employees shall be placed on a close-match basis.
- (f) In close matching a post, the job content of the "new" post must be compared with the existing job content of the employee.

Placement Criteria: The parties agree to the following criteria:-

8. PLACEMENT PRINCIPLES

- (a) The municipality shall prepare a final organogram and submit this proposal to the Local Labour Forum for consultation and/or negotiation, which should attempt to achieve consensus on the organogram.
- (b) The Integrated Development Plan (IDP) for the municipality shall inform the organogram and the principle of "structures follow strategy" shall apply, subject to affordability by the Municipality
- (c) New organograms shall be finalised as soon as practically possible but unless agreed otherwise, by no later than four months from date of adoption hereof.

7. ORGANISATIONAL STRUCTURE

- (f) This policy will not apply to personnel on a fixed term contract.
- (e) The placement of staff shall be done in a manner that is consistent with the Labour Relations Act, Basic Conditions of Employment Act, Skills Development Act, Employment Equity Act and any relevant Collective Agreement or GGM policy.
- (d) No final placement shall take place until the total structure has been finalized and until this policy has been adopted, except for filling of existing critical positions where there will be minimal change or no change at all.
- (c) Legislation permits the SALBC to issue guidelines and collective agreements agreed to between labour representatives and employee representatives that have been concluded in the bargaining council.
- (b) All placements shall take place in accordance with the principles contained in this Policy.

- (a) Placement of employees shall be considered by the Placement Committee. Municipal Manager shall appoint employer representatives to serve in the committee and employee representatives shall be nominated by the organised labour in line with the provisions of this policy, provided that the committee is composed of not more than six persons. (3 from labour and 3 from the employer).
- (b) The Placement Committee shall be established on approval of organogram and be a committee of the municipality reporting to Management and Local Labour Forum.
- (c) The Placement Committee will have the following terms of reference:-
 - (1) The Placement Committee shall strive to reach consensus on the staff placement of existing employees into posts in the new structure.
 - (ii) Where consensus cannot be reached, the Council decision will be communicated/published as per 3.3.
- (d) The Placement Committee must consider the Municipality's:(i) Classification of posts in terms of Clause 3.4.
 - (ii) Placement proposals
 - (iii) List of unplaced employees (in the redeployment pool)
 - (iv) Resolutions of Placement Committee shall be sent to the Municipal Manager as prescribed by legislation for approval and implementation.
- (e) When the Placement Committee cannot reach consensus on any placement within the period referred to in clause 3.5 below, the decision of Council as contemplated in clause 3.3. I below must be published in accordance with clause 3.3.

9. PLACEMENT COMMITTEE

- (g) The employee having the closest match in respect of the job content is then the successful employee to be placed e.g. a cleaner will be close matched to a cleaner, a labourer to a labourer. (Also see 3.1.5. below).
- (h) Where the close match cannot be done one hundred percent, the match must be done on the most matched job content.
- (i) The focus should be on the crux of the job, e.g. an accountant's job content will be matched against a post that contains the most stipulations reflecting accounting duties.
- (j) The close match is done on job content and not job designation. Post designation may however be used as an indicator. This close match principle shall apply to unchanged, minor changed and major changed posts.
- (k) The salary of an employee shall play no role in the placement of employees. Qualifications or recognition or prior learning/experience will be considered in placing employees, and such placement shall be subject to the relevant legislation.
- (l) Where more than one employee can be close matched to a post and there are more employees than there are posts, representatives shall have preference over qualifications, performance, length of service, years of experience and skills.
- (m) The Placement Committee should consider these latter factors against an appropriate rating scale out of 5 (where 1 is low and 5 is high).
- (n) When an employee is fairly placed in a post, excluding senior employees on levels 0-2 such placement shall be final and constitute a permanent position, subject to clause 4.1.4.2., where applicable.
- (o) Where any employee is aggrieved by a placement decision or lack thereof, the grievance/objection procedures set out in this document should be used.

- (a) A letter shall be sent to each employee informing him or her of the placement process
 - (b) Prior to forwarding submissions to the Placement Committee, each employee must receive a letter and copy of the relevant section of the organogram that indicates their proposed post and classification thereof (in terms of clause 3.4. below) in, which they are intended to be placed.
 - (c) All decisions of the Placement Committee, whether by consensus or not, shall be communicated to employees in writing. Successfully placed and unsuccessfully placed candidates will be notified in writing, by way of a personalized letter.
 - (d) In the event of disagreement, the disputed issues can be resolved through the Dispute Resolution Process as contained in clause 4 hereunder.
- 10. NOTIFICATION, COMMUNICATION AND PUBLICATION OF DECISIONS**
- (f) A decision addressed through the objection/dispute resolution process comes into operation and is implemented with effect from the first day of the month following the month during which the decision was published.
 - (g) The Unions and its members will in no way be disbarred or in any way prejudiced by the fact it participates in the decision making process of the committee.
- 11. PLACEMENT PROCEDURE**
- (1) Classification of posts
 - The Placement Committee will classify the posts in the structure into the following four categories:
 - (a) Unchanged posts
 - (b) Minor changed posts
 - (c) Major changed posts
 - (d) New posts
 - (2) Placement - Unchanged posts
 - (a) These are posts that have had no change to their scheduled duties.
 - (b) The Council 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 of confirmation.
 - (c) However, the number of posts in this case may be less than the number of employees to be placed in which case the principles of this policy should be invoked.
 - (3) Placement - Minor changed posts
 - (a) 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.
 - (b) Council needs to submit the names and other form of identification used of the present incumbents to the Placement Committee for confirmation of both the responsibilities and the title of such post.

(c) However, the number of posts in this case may be less than the number of employees to be placed in which case the principles of this policy should be invoked.

(4) Placement - Major changed groups

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

(b) Whenever possible, the placement shall be on the "close match" basis.

(c) These posts with the existing and proposed duties should be submitted to the Placement Committee together with the names and other form of identification used of the employees to be placed in the posts on a "close match" basis.

(d) If a major changed post cannot be filled on a close match basis, it shall be advertised both internally first for seven days and then externally if an internal candidate is not found and shall be filled giving preference to Employment Equity and representivity in the following priority order:

- (i) Internal candidates from designated groups
- (ii) Internal candidates from no-designated groups
- (iii) External candidates from designated groups
- (iv) External candidates from non-designated groups

(5) Placement - New posts

(a) These are new posts created, budgeted for and approved by Council, which carry duties and responsibilities required by the municipality, which did not exist before on the previous structure and cannot be classified under clauses 3.4.2.1, 3.4.2.2 and 3.4.2.3.

(b) These posts shall be advertised both internally and externally and shall be filled giving preference to Employment Equity and representivity in the following priority order to:

- (i) Internal candidates from designated groups
- (ii) Internal candidates from no-designated groups
- (iii) External candidates from designated groups
- (iv) External candidates from non-designated groups

(6) All placements shall be finalised within a period of six (6) months after the adoption of the organogram and this policy. This period can be extended by mutual agreement. This subclause should be read together with clause 5 where applicable.

12. DISPUTE RESOLUTION PROCESS

(1) Every individual employee and/or trade union, on behalf of their members, has the rights to lodge a dispute against the communicated/published decision/s of the municipality

(2) If a dispute arises out of, or relates to this agreement and such dispute cannot be settled through consultation/negotiation, the parties agree to first attempt in good faith to settle the dispute through internal mechanisms, e.g. mediation, before resorting to arbitration, litigation or some other external dispute resolution.

(3) The purpose is to facilitate the smooth, prompt and fair placement of employees from the existing to the new organogram.

(4) It is a distinct grievance resolution mechanisms are followed:

(a) The committee must make a finding and/or recommendation, upholding or rejecting the grievance wholly or in part, including a summary of reasons for the findings.

- (a) No interruption in conditions of employment or service shall occur.
 - (b) All employees shall retain their benefits as if their services were not interrupted.
 - (c) All municipal staff shall retain all their current conditions of employment following placement in the new structure, subject to any other collective agreement that may emanate from the following:
- All employees transferred to the municipality shall, from the commencement date be subject to

15. CONDITIONS OF EMPLOYMENT

- (a) New posts or major changed posts shall be evaluated in accordance with the SALGA Job Evaluation System, unless otherwise agreed to by all the parties.
- (b) Job Evaluation application shall comply with the prescriptions of the Job Evaluation Committee of the Bargaining Council.
- (c) That the municipality will also submit reports in terms of the Job Evaluation Policy to the Local Labour Forum for noting.

14. JOB EVALUATION

- (a) The Dispute Resolution Committee shall consist of an independent arbitrator agreed upon by the parties. A list of arbitrators will be decided upon by each division on the SALGBC.
- (b) The dispute must be logged in writing within 10 working days of the date of receipt by the individual employee and/or his/her representative union of the Municipality's decision.
- (c) The arbitration shall be for the cost of the employer/SALGBC, unless otherwise determined.
- (d) The arbitration must commence within 10 working days after the dispute has been received, unless the parties agree to a longer period.
- (e) The arbitration award must be made within 5 working days after conclusion of the arbitration.
- (f) The Labour Relations Act as amended shall apply to the arbitration proceedings.
- (g) The arbitration shall be a final and binding award on the parties.
- (h) No individual placement is final until the dispute process has been exhausted.

13. DISPUTE RESOLUTION COMMITTEE

- (b) The committee may condone the late referral of a grievance on good cause shown and by mutual agreement by the concerned stakeholders, taking the following into account:
 - (i) The degree of lateness.
 - (ii) The degree of fault beyond the grievance control.
 - (iii) Reasonableness of explanation for late submission, prejudice parties may suffer.
 - (iv) Aggrieved party prospect of succeeding with grievance.
- (5) The committee may call upon the parties concerned, and any other relevant persons, to make written or oral presentations or submit further information as deemed appropriate.
- (6) The Dispute Resolution Committee will consist of a panel of not more than six (4) members, equally divided between management and labour representatives, each having an equal vote. The committee will be chaired on an alternate basis.
- (7) An aggrieved is entitled to object to a decision of the Placement Grievance Committee and proceed with an external dispute remedy in terms of the following procedure:

(a) Employees who require additional training due to placement must be trained as soon as it is practically and financially possible within the parameters of the Skills Development Act and Labour Relations Act as from the date of signing of this agreement. In a case where the incumbent requires formal training, an agreement must be entered into between the incumbent and municipality stating the period required to

18. TRAINING

(a) The Local Labour Forum must ensure adherence and compliance with this agreement as well as monitoring thereof.
(b) This policy may be amended through the consultation with relevant stakeholders, giving 30 days' notice to that effect and with submission of a written motivation of such proposal by any of the parties.

17. MONITORING OF IMPLEMENTATION OF AGREEMENT

(a) Should too many affected employees volunteer to be redeployed, then selection will be done on the basis of "first in, first opportunity" (FIFO) basis.
(b) Should too few affected employees volunteer to be redeployed, 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 redeployment.
(c) Volunteers must be called from the relevant job category.
(d) In the event of equivalent vacancies subsequently being advertised as the previous geographic location within a period of 12 months from re-deployment, any re-deployed employee will receive preferences should he/she apply for transfer thereto.
(e) Where an employee's job has been relocated within the parameters of this agreement within the demarcated boundaries of municipality then the municipality shall grant to such employee reasonable commuting assistance, within budgetary constraints, provide for in the municipality's relocation policy, commencing from the first of the month following the placement decision, unless a grievance is filed in that regard.

(1) All recommendations on placements are to indicate whether geographical relocation of staff will be required.
(2) Geographical re-deployment of staff will only take place for the following sound operating and/or economic reasons:-
(a) The functions of the post/s are to be delivered in another geographical area.
(b) The function of the post/s may be reduced and/or combined resulting in a necessity to rationalize resources.
(c) The functions of the post may be abolished in that particular geographical area.
(3) Where it is necessary to geographically relocate only part of a section or a part of a department (directorate) the following principles apply:


16. GEOGRAPHICAL RELOCATION PRINCIPLE

from the Bargaining Council, applicable legislation and any locally negotiated agreement in this regard.

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THE MAYOR
CILR ZITHA T.

Signed

SIGNATURE


DATE
30/05/23

In the event of any inconsistency between this policy and any other government legislation, such legislation prevails.

23. INTERPRETATION

Any separate but relevant information that may be made available from time to time will be annexed into this policy and forms part of the integral policy.

22. ANNEXURES

Only Council may amend the policy

21. POLICY AMENDMENT

The policy takes effect on the date of approval by Council

20. POLICY COMMENCEMENT

- (a) The Municipal Manager
- (b) Corporate Services Department
- (c) Any employee who feels aggrieved by the application of the policy may submit his/her grievance in terms of the grievance procedure (SALGBC) as well as the Labour Relations Act, 66 of 1995 as amended

19. POLICY IMPLEMENTATION

- (b) Such training requirement and resultant skill shortage will not impact negatively when employee performance assessments are done for any purpose, including incentive or reward related assessment processes.
- complete training, in other cases training programmes need to be designed by the respective directorates.