

MOPANI DISTRICT MUNICIPALITY



PERSONNEL PROVISIONING POLICY

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1. PREAMBLE

We believe that Human Resource is our most important asset and guarantee for an effective organization. To this end we strive in our provisioning efforts to attract the most suitable candidates for appointment in accordance with the functional needs of Council. We are committed to create and maintain a diverse workforce in pursuance of Employment Equity and establishing a sound human resources management function.

2. DEFINITIONS OF TERMS

“LRA” Means the LABOUR Relations ACT,66 of 1995 as amended

“Acting Allowance” Means the monetary payment to an employee for carrying out the duties of a higher graded post on a temporary basis and in terms of the relevant policy or clause in this policy.

“Acting appointment” Means a temporary in a higher or similar graded and funded position on the staff establishment, which appointment is necessitated by a temporary absence of another employee.

“Basic Conditions of Employment Act” Means basic conditions of Employment Act, 1997(Act 75 of 1997;

“Employee” Means a person employed by the Employer and shall include a permanent or a contract employee.

3. OBJECTIVE

- 3.1. The objective of the Personnel Provisioning Policy of Mopani District Municipality is to provide for comprehensive policy which accommodates the need for staff provisioning in the most efficient, professional and cost-effective way as to affect that:
- 3.2. No unfair discriminatory practices exist in the provisioning discipline of council.
- 3.3. Such policy contributes and enhances a diverse culture and environment whereby all staff can contribute to the goals of Council and where such staff make-up is representative of the demographic environment where recruitment is done.
- 3.4. Provision of guidelines for the appointment of candidates to the employer

- 3.5. Establishing principles and procedures insuring that the employer complies with legislative principles in respect of employment equity and affirmative action
- 3.6. Setting out the procedural steps for the advertisement of a vacant post, selection of applicants for interviews, the conducting of interviews and the appointment of candidates to the permanent staff
- 3.7. Public shall be informed through media platforms to submit applications for temporary / casual workers now and then which will be kept in the register of job seekers or database.
- 3.8. Registry Office to receive and register applications for temporary / casual workers and thereafter, hand those applications to Human Capital Management for safe keeping,

4. SCOPE OF THE POLICY

- 4.1. The policy shall apply to all appointments made within the Mopani District Municipality and recruitment of graduate, learner ship and other forms of employee intake
- 4.2. The Policy will not apply to appointment arising out of procurement processes and acting appointment

5. LEGAL MANDATE

- 5.1. Constitution of the Republic of South Africa
- 5.2. SALGABC Collective Agreement on Condition of Service
- 5.3. Basic Conditions of Employment Act 75 of 1997
- 5.4. Employment Equity Act 55 of 1998
- 5.5. Labour Relations Act 66 of 1995
- 5.6. Local Government: Municipal Systems Act 32 of 2000
- 5.7. Local Government: Municipal Staff Regulations, Government Gazette No 45181
- 5.8. Municipal finance Management Act 97 of 1997
- 5.9. Local Government Regulations on appointment of Section 54&56 employees

6. ADMINISTRATION OF THE POLICY

- 6.1. Responsibility and authority to implement this Policy is with the Municipal Manager or his/her delegated official/s
- 6.2. This responsibility includes communication of the policy procedure,
- 6.3. Any questions should be directed to the office of the Senior Manager: Corporate Shared Services.

7. POLICY CONTENT

7.1. New positions

- 7.1.1. All motivations for the creation of new posts shall be substantiated, budgeted for and included on the approved organisational structure.
- 7.1.2. New positions whose need arises during the course of the financial year not included on the approved organisational structure and budgeted for, which in the view of the accounting officer are critical for filling immediately, will be filled after submission through Corporate Services for approval by Council.

7.2 Recruitment, Selection and appointment

- 7.2.1 The recruitment, selection and appointment of a staff member to a post on the staff establishment must:
 - a) Comply with the requirements of the municipality's employment equity plan, if unable to adhere to the employment equity plan due to specialized scarce skills required for a specific post, the municipality must record reasons for deviation from the policy.
 - b) Be integrated with other human resource management systems and procedure

7.3 Recruitment Plan / Strategy

- 7.3.1 Corporate services must coordinate the development of a recruitment plan/strategy to fill funded vacancies; and reduce turnaround times for filling of approved vacant funded post
- 7.3.2 The plan or strategy must be considered by the management.
- 7.3.3 The recruitment plan shall be reviewed every quarter.
- 7.3.4 Fill all funded vacant posts on the staff establishment within six months of a funded post becoming vacant
- 7.3.5 Have the capacity and capability to perform its functions
- 7.3.6 Strategy/Recruitment plan must include timeframes for the various activities included in the recruitment and selection processes.
- 7.3.7 A vacant post on the staff establishment may not be filled unless;
 - 7.3.7.1 The Municipal Manager or a staff member to whom this function is delegated has approved filling of the post, and
 - 7.3.7.2 The post is a budgeted for
- 7.3.8 Deviation from the staff regulations may be granted on the following grounds;
 - 7.3.8.1 Budget cut requiring prioritization of personnel expenditure
 - 7.3.8.2 Impending re-structuring exercises; and
 - 7.3.8.3 Alternative staffing solutions are adopted.

7.4 Record keeping

- 7.4.1. The Municipality must keep record of the entire recruitment processes in an appropriate format including the audio recordings of the proceedings.
- 7.4.2. The municipality must maintain a record of all applications received and the information contained in the applications must be kept confidential and stored in a secure place on the premises
- 7.4.3. A record of applications shall be disposed of in terms of the National Archives and Record Service of South Africa Act 1996.
- 7.4.4. The record must contain:
 - 7.4.4.1. applicants biographical and contact information
 - 7.4.4.2. details of the post for which the applicants were applying
 - 7.4.4.3. Applicant's qualifications, and
 - 7.4.4.4. Any other requirements outlined in the application form

7.5 Procedure for filling a vacant post

- 7.5.1. When a post becomes vacant during the year it must be filled within six (6) months as per the Municipal Staff Regulations, Gazette No 45181
- 7.5.2. After the interviews have taken place, the Accounting Officer must be given a turnaround period of seven (7) Days to finalise the appointment of the incumbent

7.6 Advertising of positions

- 7.6.1. All advertisements for the posts must contain at least the following:
 - 7.6.1.1. Minimum qualifications /knowledge/skills essential to the duties required
 - 7.6.1.2. Qualification/knowledge/experience that are essential to the post.
 - 7.6.1.3. Physical location of the post
 - 7.6.1.4. Requirement of own transport or equipment for performance of duties
 - 7.6.1.5. Irregular working hours
 - 7.6.1.6. Physical requirements of the position
 - 7.6.1.7. Screening and vetting
 - 7.6.1.8. Working conditions
 - 7.6.1.9. Responsibilities
 - 7.6.1.10. Decision making abilities
 - 7.6.1.11. Job title
 - 7.6.1.12. Term of appointment
 - 7.6.1.13. Applicable salary scale

- 7.6.1.14. Closing date for submission of applications
 - 7.6.1.15. Contact person
 - 7.6.1.16. Place where applicants can obtain the application form
 - 7.6.1.17. Address where applications should be sent
 - 7.6.1.18. Summary of the core functions
- 7.6.2. Advertisement and recruitment agencies may be used to advertise section 54 & 56 positions (Municipal Manager and Managers reporting to Municipal Manager)
- 7.6.3. If a recruitment agency is used or preferred for advertising and filling of vacancies, the recruitment processes must be conducted in accordance with this policy and any applicable regulations.
- 7.6.4. All applicants for vacancies will be received and captured by the corporate services Directorate. Applications must be submitted using prescribed application form accompanied by Curriculum vitae, certified copies of qualifications not older than three months, identification (ID or passport and drivers licence where applicable).
- 7.6.5. Vacant positions from post level 4 to 13 should first be considered for internal advertisement by MM
- 7.6.6. The Corporate Services Directorate in consultation with the Municipal Manager will determine the closing date for applications, which will be strictly adhered to.
- 7.6.7. A closing date for bargaining unit positions will be at least fourteen (14) days whilst 30 calendar days shall apply to section 54&56 Senior Managers employees.
- 7.6.8. Applications received after closing date will not be considered.
- 7.6.9. Municipality shall create a pool of potential candidates valid for a period not exceeding 6 months from the date of the advertisement to fill any other vacancy in the relevant municipality if-
- 7.6.9.1. The job title, core functions, inherent requirements of the job and the salary level of the other vacancy is the same as the post advertised and
 - 7.6.9.2. The recruitment process has been complied with.
 - 7.6.9.3. Municipality may advertise any funded vacant post, as a minimum, within the municipality, and may advertise such post locally or nationwide.
 - 7.6.9.4. The Municipality may appoint a recruitment Agency if it does not have a capacity including
 - 7.6.9.5. Response handling

7.6.9.6. Compilation of-

- 7.6.9.6.1. Long list of applicants who applied for the advertised post
- 7.6.9.6.2. Preliminary list of applicants who meet the requirement
- 7.6.9.6.3. List of applicants who do not meet all requirements
- 7.6.10. The recruitment agency shall not undertake the selection process
- 7.6.11. Municipality shall create a pool of potential candidates valid for a period not exceeding 6 months from the date of the advertisement to fill any other vacancy in the municipality
- 7.6.12. Application for vacant post must be attached on a prescribed form
- 7.6.13. MDM may use in-line application form that contain all information on the prescribed form
- 7.6.14. All applicants for a post must disclose-

- 7.6.14.1. qualifications
- 7.6.14.2. contactable references
- 7.6.14.3. registration with relevant professional's body if applicable
- 7.6.14.4. Full details of any dismissal for misconduct or substandard performance and
- 7.6.14.5. Any disciplinary actions whether pending or finalized instituted against the applicant in any of her/his current or previous employment

- 7.6.15. Any failure or misrepresentation to disclose material information is a breach of the Code of conduct for municipal staff.
- 7.6.16. Applications not made in the prescribed application form will render any appointment or contract entered into between the MDM and the successful candidate invalid.

7.7. Selection Panels

- 7.7.1. Council will appoint a selection panel in respect of the position of the Municipal Manager, which must consist of 3 members and not less than 5 members and must consist:

Executive Mayor

Councillor

At least one other person, who is not a councillor or a staff member of the municipality, and who has an expertise or experience in the area of the advertised post.

- 7.7.2. The panel members must sign the oaths of secrecy
Including the Unions and administrators
One representative of recognised trade Unions are allowed to attend process as observers.

- 7.7.3. The Municipal Manager will appoint a selection panel in respect of the position of the Managers directly accountable to Municipal Manager and must consist of 3 members and not less than 5 members; and must consist of:

Municipal Manager

A member of Mayoral committee or councillor, who is the portfolio head of the relevant portfolio; and

At least one other person, who is not a councillor or a staff member of the municipality, and who has an expertise or experience in the area of the advertised post.

- 7.7.3.1. The panel members must sign the oaths of secrecy
Including the Unions and administrators

7.7.3.2. One representative of recognised trade Unions are allowed to attend process as observers. The panel members must sign the oaths of secrecy including the Unions and administrators

7.7.3.3. One representative of recognised trade and representative of the Employment Equity Forum Unions are allowed to attend process as observers.

- 7.7.4. The MM shall appoint screening and selection panel for post level 2 to 14 as follows:

7.7.4.1. Municipal Manager or his/her delegate;

7.7.4.2. Relevant head of directorate.

7.7.4.3. Representative from the Directorate of Corporate Services (Human Resource)

- 7.7.5. Notwithstanding the above, the composition of the screening or selection

Panels for any vacant position must be generally composed in a manner that results in a reasonable representation of the Directorate where the position is placed, diverse knowledge/skills and competence of the panel and the representatively.

- 7.7.6. No person may participate in a screening or selection for a position of
of
the same level or higher than the position he/she occupies.

- 7.7.7. A selection panel in respect of each position should be the same
panel
that handles the shortlisting or screening and other processes;

7.8. Screening procedure.

- 7.8.1. The selection criteria must be based on the inherent requirements of the job. Any qualification and/or condition, restricting a person or persons from non- disadvantaged group must be clearly substantiated as an inherent requirement of the job before thereof is justified.
- 7.8.2. Qualification of applicant as well as prior learning and experience relevant to the position must be considered. Where applicable and practical, the learning potential to acquire skills and knowledge of the position within a reasonable period must be afforded significant relevance.
- 7.8.3. Non job related qualifications higher than necessary qualifications, linguistic abilities or length of service will not be used to justify selection of any person over any other person.
- 7.8.4. The selection panel should, before any shortlisting of candidates, meet to determine selection criteria to be used, taking into account the advertisement for position.
- 7.8.5. The Corporate Services Directorate must identify applicants who do not meet the minimum requirements and indicate this on the data base of applicant.
- 7.8.6. A minimum of five (05) and maximum of eight (08) of the best among the candidates who meet the selection criteria will be shortlisted.
- 7.8.7. If the institution seeks to appoint more than one person in similar positions (e.g. 5 committee Clerks) the selection panel shall, in consultation with the Municipal Manager or the Director: Corporate Services, decide on the number of candidates to be shortlisted.
- 7.8.8. When a post is internally advertised as envisaged in this policy and only two or less employees apply, the selection process will be halted and the position advertised externally.

7.9. Verification of references

- 7.9.1. The reference supplied by the applicant must be verified before interviews and must be compulsory. The Corporate Services Directorate will fulfil this function except in case where certain technical and functional enquiries can only be dealt with meaningfully by the relevant Directorate.
- 7.9.2. If a shortlisted applicant did not provide adequate references to enable verification, he or she should be contacted in order to obtain further reference including previous employers.

- 7.9.3. Verification of reference must be done in a structured and orderly manner or through documentation offered by the service of verification.
- 7.9.4. Verification will cover at a minimum, matric, post matric qualifications and employment history.
- 7.9.5. Additional compulsory verifications may need for section 56 & 54 managers and of certain levels and type of employment for checks such as security and criminal records, financial/ credit records, disciplinary records and any relevant checks may be prescribed depending on the nature of the job.
- 7.9.6. All candidates must provide consent for verification process, only shortlisted candidates or candidates recommended for appointment may be verified.
- 7.9.7. Any candidate who object or refuse to subject him/herself to a verification process will not be considered for screening, interviews and/ or appointment.
- 7.9.8. All candidates must be subjected to vetting processes.
- 7.8.9. Reference checks and personal credentials verification for shortlisted candidates must be concluded by-
 - 7.8.9.1. Verifying the candidate's suitability for the job with the current or previous employer
 - 7.8.9.2. Establishing the validity of candidate qualifications and any other verification required by the position before appointment
 - 7.8.9.3. Determining whether the candidate has been dismissed previously for the misconduct or poor performance by other municipality and the nature of misconduct
 - 7.8.9.4. Verifying any other personal credentials as may be required by the nature of the job
 - 7.8.9.5. Outcome of the reference checks and personal credentials verification must be complied and considered before concluding the appointment.

7.9. Selection process

- 7.9.9. The Municipality may use any selection process that would be appropriate to the position including but not limited to:
 - 7.9.9.1. Interviews
 - 7.9.9.2. Personality test
 - 7.9.9.3. Biographical data
 - 7.9.9.4. Cognitive ability tests

- 7.9.9.5. Work sample tests
- 7.9.9.6. Physical abilities test
- 7.9.9.7. Self-assessments
- 7.9.9.8. Assessment centres
- 7.9.9.9. Demonstrations

7.10. Interviews

- 7.10.1. Interviews will follow a structured format and may include both questionnaire and practical application test.
- 7.10.2. At the start of interview, the interview process will be explained to each applicant in order to limit possibilities of unrealistic expectations from candidates.
- 7.10.3. Compensation for the travel and substance cost will be R3.50c Per Kilometre travelled. Council reserves the right to review this consideration.
- 7.10.4. The panel members must sign the oaths of secrecy including the Unions and administrators
- 7.10.5. List of shortlisted candidates and copies of their applications must be submitted to the selection panel prior the interviews taking place
- 7.10.6. Selection panel for a post must remain the same at all times
- 7.10.7. Union representation must be given the status to observe during the interviews. Failure to attend from proceedings will not invalidate the decision of the panel
- 7.10.8. Panel members must confirm the selection criteria for the advertised post based on the relevant competencies required for the advertised post
- 7.10.9. Selection panel must keep a written record of the interviewed candidates
- 7.10.10. Selection panel must recommend candidates in order of preference, if the recommended candidate declines an offer of employment, the next suitable candidate maybe considered for the appointment.
- 7.10.11. The post will be re-advertised if the recruitment process fails to attract the suitable candidate
- 7.10.12. If the post categorized as scarce skills post, alternative recruitment methods such as executive search, head-hunting, referrals and re-advertising may be considered
- 7.10.13. Recommendations of the panel members must be determined by consensus, failing to reach consensus the matter shall be referred to Municipal Manager or hi/her delegate for mediation or resolution.
- 7.10.14. The panel must submit its recommendation for appointment to the MM or delegate for approval.

7.11. Testing of employees

7.12.1. Any form of medical testing or HIV testing is prohibited unless it can be proved that such testing is an inherent requirement of the job. If this is the case, the testing must be limited to only the necessary aspect on which information required.

7.12.2. Medical testing of an employee is permissible if legislation permits or requires the testing, or it is justifiable to do in the light of medical facts, employment conditions, social policy, the fair distribution of employee benefits or the inherent requirements of a job.

7.12.3. Testing of an employee to determine that employee's HIV is prohibited unless such testing is determined to be justifiable in terms of section 54 of the *Employment Equity Act*, (Act No 55 of 1998) as amended and any such testing shall be done in accordance with that Act.

7.12.4. The need for shortlisted candidates to undergo medical testing of an applicant must be indicated in the advertisement.

7.12.4.1 Psychometric Testing

7.12.4.2 Psychometric testing and other similar assessments of an employee are permissible if the test or assessment being used\

7.12.4.3 Have been scientifically shown to be valid and reliable;

7.12.4.4 Can be applied fairly to all employees; and

7.12.4.5 Is not biased against any employee or group.

7.13. Appointment and Communication with prospective employees

7.13.1 The Municipality will communicate with candidates that have been shortlisted only and letters of appointment are drafted by the Corporate Services Directorate and signed by the Municipal Manager unless specifically delegated.

7.13.2 A person may be appointed as a Mopani District Municipality staff member if he/she possesses the relevant competencies

7.13.3 Municipal Manager OR delegated official must consider the recommendations of the selection panel and decide whom to appoint

7.13.4 Before making the final decision the Municipal Manager or delegate must satisfy him/herself that the applicant meets the requirement of the post

- 7.13.5 Reasons must be given by the Municipal Manager or delegate if the decision does not accord with the recommendations of the selection panel
- 7.13.6 Appointment may only be effected after the Municipal Manager or his delegate has approved the appointment in writing,
- 7.13.7 All interviewed candidate must be informed whether they were successful or not
- 7.13.8 Unsuccessful candidates must on request be provided with reasons in writing as to why they were not successful,

- 7.13.9 A successful candidate must sign acceptance of the appointment letter within five (5) working days and assume duty within 30 days unless the reporting period is specifically waived in writing by the Accounting Officer.
- 7.13.10 In a case where the successful candidate declines, the second best candidate will be considered if he/she meets the required standards.

7.14 Probation

- 7.14.1 The purpose of the probation is to give the employer an opportunity to evaluate the employee's performance before confirming the appointment.
- 7.14.2 Probation should not be used for purposes not contemplated by this Code to deprive employees of the status of permanent employment. For example, a practice of dismissing employees who complete their probation periods and replacing them with newly-hired employees, is not consistent with the purpose of probation and constitutes an unfair labour practice.

- 7.14.3A person appointed must be on a probationary period of three months and a maximum of 12 months

 - 7.14.3.1 The probationary period must be determined on the basis of the job requirements and the minimum period to establish if performance is satisfactory or not
 - 7.14.3.2 The period of probation includes the number of leave days taken
 - 7.14.3.3 MM or delegate must inform staff member within first two weeks of the performance requirement of the post
 - 7.14.3.4 Staff member to complete the municipality's induction program
 - 7.14.3.5 Assess staff member performance and provide feedback on a quarterly basis

7.14.4 The permanent appointment letter will be issued by the HR section to the employee after the Senior Manager of the relevant directorates has indicated his fate or approval for permanent employment.

7.15 Temporary Employment

7.15.1 The use of non-permanent employment will be limited to a period not exceeding six (6) months. No extensions shall be made after the six-month period has lapsed

7.15.2 Recruitment for casual or temporary workers shall be from a pool of registered job seekers who supplied/furnished municipality with CV shall be randomly selected based on area of needs.

7.15.3 Temporary employees shall be paid at the first notch of the post level of the position that they are appointed in.

7.15.4 Contract extensions of temporary employees cannot exceed a period of six months.

7.15.5 Temporary employees shall sign an oath of secrecy upon assuming duties

8 Appointment of Support Staff to Offices of Public Office Bearers

8.1 A person appointed to give support to the office of a public office bearer must either be seconded from a post on the Mopani District Municipality's approved staff establishment or from another municipality's staff establishment, or

8.2 Appointed on a fixed –term contract of employment linked to the term of office of the public office bearer.

8.3 Duration of the secondment or fixed –term employment contract may not be longer than thirty days after the office bearer vacate the office.

9 Re-appointment of dismissed employees

9.1. A person who was dismissed due to any reason stated on the regulations may not be employed in any municipality before the period has expired.

9.2. A person who has lodged a dispute maybe appointed subject to the outcome of the dispute.

9.3. MDM will keep the record of staff dismissed for misconduct and staff who resigns prior finalization of any disciplinary proceedings

10 Promotion

10.1 Staff member appointed to a post in a municipality that is higher in salary level or job grade than the one that he/she previously occupied in that municipality is deemed to be promoted to that post.

10.2 A staff member who is promoted does not forfeit his/her years of service and benefits which accrued from those years of service.

11 DEFAULT

11.1. Disciplinary measures will be applied to any official who fail to comply with the contents of the policy.

12 AVAILABILITY

12.1. Every staff member of Mopani District Municipality will be supplied with the copy through emails and Mopani District Municipality website, and shall acknowledge receipt thereof by signing a duplicate thereof and the duplicate will be filled on the personal file of the official.

13. COMMENCEMENT DATE

13.1. The policy will come into effect on the date of adoption by the Council.

14. POLICY REVIEW

14.1The policy shall be reviewed annually or as and when it becomes Necessary to do so.

15. REPEAL

15.1. This policy repeals all previous policies

16. POLICY MONITORING AND EVALUATION

- 16.1. This policy shall be implemented and effective once approved by Council.
- 16.2. Non-compliance to the stipulations contained in this policy shall be regarded as breach of Code of Conduct, which shall be dealt with in terms of the Code of Conduct.
- 16.3. Head of Corporate Services shall carry out the monitoring and evaluation of the policy's implementation.

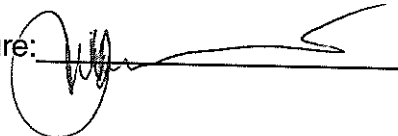
17. POLICY APPROVAL

This policy was developed by Management in consultation with the Local Labour Forum.

Authorised by Municipal Manager:

Signature:  Date: 2023/07/01

Approved by Municipal Council:

Signature:  Date: 2023/07/01