



OVERSTRAND MUNICIPALITY

PLACEMENT POLICY

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SECTION 1: INTRODUCTION

- 1.1 The Overstrand Municipality is committed to applying a sound placement policy and practices to ensure a functionally placed and focussed workforce that are efficient and effective in respect of service delivery.
- 1.2 The stakeholders shall include the Division: Human Resources Management Services, relevant Departments and Organised Labour. All stakeholders are committed to participate in this process in pursuance of performance excellence of the Municipality.
- 1.3 The Overstrand Municipality shall take steps to ensure that all organisational management initiatives are aligned to the overall values of performance excellence, integrity, transparency, community centeredness and co-operative governance of the Municipality.

SECTION 2: PURPOSE AND OBJECTIVES

- 2.1 Arising from the need to restructure the organisational structure of the municipality according to the functions of the municipality and to enhance effective and efficient service delivery, the re-organisation of existing staffing structures (including geographic re-deployment) may be necessary to meet the operational objectives of the municipality. All placements shall take place in accordance with the principles contained in this policy.
- 2.2 The contracts of employment of all staff of the municipality will remain in place for the purposes of the placement process and the result of the placement in terms of this policy.
- 2.3 The placement of staff shall be done in a manner that is consistent with the existing Employment Equity and Skills Development Plan of the municipality.

SECTION 3: SCOPE AND APPLICATION

The following are proposed to be used for Placement of Permanent staff:

- 3.1 This policy shall apply to Overstrand Municipality.
- 3.2 The terms of this policy and implementation guidelines shall be applicable to all permanent posts and political supporting personnel in the Municipality.
- 3.3 The placement of staff must be consistent with applicable labour legislation.
- 3.4 The placement of staff must not –
 - 3.4.1 Disrupt the effective and efficient delivery of services.
 - 3.4.2 Be used as a punitive measure against employees.
 - 3.4.3 Be used to promote or demote employees.

SECTION 4: DEFINITIONS

All expressions used in this policy, which are defined in the Labour Relations Act, 1995 (Act No. 66 of 1995) shall bear the same meanings as in the Act and unless the contrary intention appears, words importing the masculine gender shall include the feminine.

“Close Match” In close matching a post, the job content of the “new” post is compared to the existing job content of the employees. The closed match is done on job content and not job designation. Post designation may however be used as an indicator.

“Employee” means permanently appointed staff on the staff establishment excluding Municipal Managers and persons appointed as Managers directly accountable to Municipal Managers.

“Employer” means the Council of the Overstrand Municipality.

“Exact Match” means there is no difference in a position from the old Staff Establishment to the new proposed Staff Establishment with regards to job content, and designation. (The Job Description and Job Title)

“Labour Organisations” means Overstrand Municipality recognised Unions. (IMATU and SAMWU)

“Municipality” means the Overstrand Municipality.

“Personal to Incumbent” where an employee will remain on his/her existing salary.

“reasonable” means to make or take a decision in an objective, rational, appropriate and ordinary manner in order to ensure good public administration.

“Staff establishment” means the approved posts created for the normal and regular requirements of the Overstrand Municipality.

“Workplace” means any premises or place where a person performs work in the cause of employment.

SECTION 5: LEGAL FRAMEWORK

This policy and its application must be in accordance with the following legislative prescripts:

- 5.1 The Constitution of the Republic of South Africa, 1996.
- 5.2 Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998).
- 5.3 The Local Government: Municipal Staff Regulations No. 890 of 20 September 2021

- 5.4 The Local Government: Guidelines for the Implementation of the Municipal Staff Regulations No. 891 of 20 September 2021
- 5.5 Labour Relations Act, 1995 (Act No. 66 of 1995).
- 5.6 Skills Development Act, 1998 (Act No. 97 of 1998).
- 5.7 Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).
- 5.8 Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997).
- 5.9 Occupational Health and Safety Act, 1993 (Act No. 58 of 1993)
- 5.10 All relevant Collective Agreements.

SECTION 6: PLACEMENT OF PERSONNEL: CRITERIA

The following criteria will be applied:

- 6.1 The Municipality shall attempt to place all existing employees into posts created and approved in the new organisational structure.
- 6.2 The parties are committed to ensure continuity of employment and every attempt will therefore be made to ensure that no retrenchment or 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 fair and reasonable.
- 6.3 In placing employees in the new structure, employees shall be placed on a close-match basis. In close matching a post, the job content of the “new” post must be compared with 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 be placed e.g., a typist will be close matched to a typist, a labourer to a labourer.

- 6.4 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 core functions of the job, e.g., an accountant's job content will be matched against a post that contains the core activities reflecting accounting duties. The close match is done on job content and not job designation. Post designation may however be used as an indicator.
- 6.5 This close match principle shall apply to unchanged, minor changed and major changed posts.
- 6.6 Where more than one employee can be close matched to a post and there are more employees than there are posts, employment equity may enjoy preference over length of service, should the employment equity targets of the Municipality necessitate such consideration.
- 6.7 Employees shall not be moved from one geographical location to another location without the function which the employee is performing necessitating such movement. See paragraph 14 on Geographic Relocation.
- 6.8 When placed in a post such placement shall be final, subject to the objection process and objection outcome.
- 6.9 Employees that cannot be placed in any of the categories of posts or are not offered an alternative post that is reasonable will remain in the pool of the transferred employees.

SECTION 7: ADDITIONAL FACTORS

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

- 7.1 The provision of the Employment Equity Act (should the employment equity targets of the Municipality necessitates such consideration).
- 7.2 The criteria of Employment Equity, Competency and skills levels will be equally weighed for the purpose of placing equally matched candidates.
- 7.3 The criteria and the weight to be attached to each post will be consistently applied throughout the organization for the duration of the placement process.
- 7.4 Interviews by the Placement Committee will be held as part of the selection process.

SECTION 8: PLACEMENT COMMITTEE

The composition of the committee will be four (4) per side and will consist of following members:

- 1. Secretariat
- 2. 4x Employer Representatives
- 3. 3x Imatu Representatives
- 4. 1x Samwu Representative

The Employer Representatives and Chairperson must be appointed by the Municipal Manager.

(No observers will attend meetings of the placement committee)

In the event of an equal vote, the Chairperson will have the casting vote.

The Placement Committee will have the following terms of reference:

- 8.1 To consider and reach consensus regarding the placement of existing employees into posts in the new structure.
- 8.2 To strive in reaching consensus on the staff placement. Where consensus cannot be reached the Chairperson's decision will prevail.

Placement Committee Meeting Procedure

- 8.3 A quorum shall consist of 50% of each of the two parties (Labour and Employer).
- 8.4 An agenda shall be distributed at least seven (7) days prior to the date of the meeting.
- 8.5 All information shall be regarded as confidential until a final decision is made by the Placement Committee
- 8.6 Any party may apply in writing to the Municipal Manager for information related to the placement of staff and no information shall be withheld without valid reason provided in writing to the requesting party.
- 8.7 That in the event of no quorum, the same principles applicable to the Local Labour Forum, shall be applicable if a special meeting is called.
 - a. Any party for reasons of urgency, may request a special meeting on 48 hours' notice.
- 8.8 The person responsible for Employment Equity in the Municipality shall be invited to every meeting as Observer to ensure consistent application of the Employment Equity Act and Plan of the Municipality

SECTION 9: NOTIFICATION OF PLACEMENT

The individual employee to be placed must be personally notified in writing.

- 9.1 A notification shall be sent to each employee informing him or her of the placement process.
- 9.2 Each employee shall receive a letter indicating the proposed post in which they will be placed.
- 9.3 A copy of the structure will be available at the Human Resources Department.
- 9.4 All decisions on placements, whether agreed to or not shall be communicated to employees.
- 9.5 The individual employee to be placed must also be personally notified in writing. The notification must state whether the placement is by consensus of the Placement Committee or not as well as the reason for the decision.

SECTION 10: PLACEMENT PROCEDURE

The placement will take place as follows:

10.1 Classification of posts

- a. The Placement Committee will classify the posts in the structure into the following categories:

- ✓ Unchanged posts
- ✓ Minor changed posts
- ✓ Major changed posts
- ✓ New Posts

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

10.1.1 Unchanged posts

- a. These are posts that have had no change to their scheduled duties or geographical location.
- b. Human Resources will be required to list these posts with the names and other forms of identification used, of the present incumbents and submit it to the Placement Committee.

10.1.2 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. Human Resources need to submit the names and other form of identification used to the present incumbents to the Placement Committee.

10.1.3 Major changed posts

- a. These are posts which have undergone a major change to their duties and responsibilities. Wherever possible, the placement shall be on the “close match” basis.
- b. These posts with the existing and proposed duties must be submitted by Human Resources 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.

Unchanged	<80 – 100%	Minor changed	<70 – 79%	Major changed	<0 – 69%
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- c. If a major changed post cannot be filled on a close match basis, it shall be advertised first internally and then externally and shall be filled in terms of the recruitment policy of the municipality.

10.1.4 New Posts

These are posts, which carry duties and responsibilities that do not exist in any form in the present structures. These posts shall be advertised first internally and then externally and shall be filled in terms of the recruitment policy of the municipality.

SECTION 11: OBJECTION PROCESS

- 11.1 Every individual employee and or trade union on behalf of their members shall have the right to refer a dispute on a placement or non-placement for arbitration. Such dispute shall be submitted to the Senior Manager Human Resources within 10 working days of date of receipt of a decision by an individual employee.

11.2 Appeal Committee

11.2.1 The Appeal Committee shall consist of eight (8) members.

11.2.2 The Appeal Committee shall consist of equal numbers of Labour and Employer Representatives (4 employer representatives and 4 labour representatives)

11.2.3 The Employer Representation shall consist of:

- a) 4 employer representatives nominated by the Municipal Manager
- b) 4 labour representatives
 - 3x Imatu
 - 1x Samwu

11.2.4 The dispute must be tabled to the Appeal Committee within 15 working days after the appeal has been received unless the parties agree to a longer period.

11.2.5 No placement is final until the appeal/arbitration process has been exhausted.

11.2.6 An employee has the right to refer a dispute for arbitration in terms of Section 138 of the Labour Relation Act if the employee is not satisfied with the decision of the Appeal Committee.

11.2.7 The decision of the Appeal Committee must be availed to the employee within 5 working days after the decision has been made.

11.2.8 A quorum shall be five (5) members.

11.2.9 That in the event of no quorum, the same principles applicable to the Local Labour Forum, shall be applicable if a special meeting is called.

a. Any party for reasons of urgency, may request a special meeting on 48 hours' notice.

SECTION 12: JOB DESCRIPTIONS

12.1 All the posts will be re- evaluated in accordance to the TASK Job Evaluation Process.

12.2 After the placement process has been completed, the incumbent or the representative of a post and the immediate supervisor or supervisor representative of the post, in consultation with the relevant head of division and the Human Resources division must develop, and where appropriate, review a job description when there are substantial changes to the job. All

posts shall be evaluated in the event of permanent substantial change to the job content or job requirements, to confirm that changes in the job description for a given post was considered in terms of the T.A.S.K. Job Evaluation System.

- 12.3 All incumbents will be afforded the opportunity to study, render comments, and make proposals on these job descriptions. All incumbents must have fair opportunity to scrutinize, familiarise and identify areas for additional training or exposure where applicable and will not be denied unreasonably. A period of transition being six (6) months and may be extended (depending on the performance) to a maximum of twelve (12) months may be granted to incumbents to enable them to meet the additional requirements of the placement position.
- 12.4 All incumbents will also have the right to consult with their unions, supervisor, and Head of Department on the content of their job description.
- 12.5 Once all Job Descriptions have been finalised it will be signed off by the incumbent, the trade unions, his/ her supervisor, the Head of the Department, and the Municipal Manager, before being submitted to the District Job Evaluation Task Committee for grading.
- 12.6 Once the grading results have been received in terms of the job evaluation policy, the new post grades will be implemented. The implementation date for a new Task Job Evaluation outcome will be the first (1st) day of the month following the date the final TASK result was received. Employees will be placed on the salary notch on the new pay scale for the applicable TASK grade which is the closest higher salary notch to their existing salary notch. Employees whose current salary notch is lower than the minimum of the applicable TASK grade scale will be placed on the minimum of the applicable new TASK salary scale. Employees whose existing basic salary is higher than the new Task grade maximum will retain their existing basic

salary scale on a personal to holder basis. In this event annual cost of living adjustments as determined by the SALGBC (South African Local Government Bargaining Council) will be applied to the salary rate as retained by the Employee from the date on which such an adjustment is applicable.

- 12.7 Employees will retain their current salary contractual to holder should the new evaluation be on a lower T grade.

SECTION 13: CONDITIONS OF SERVICE

The staff of the Municipality shall retain their current conditions of employment following placement in the new structures.

SECTION 14: GEOGRAPHICAL RELOCATION

- 14.1 All recommendations on placements are to indicate whether geographical relocation of staff may be required.
- 14.2 No decision on the geographical re-employment of staff will be made until the potentially affected employees have been consulted with and have been provided with the opportunity to submit representations and recommendations. The representations and recommendations of the potentially affected employees shall be considered when a decision on the geographical re-deployment of staff is made.
- 14.3 Geographical re-deployment of staff may take place for operational requirements which shall also be expanded to include the following:
- 14.3 1 The functions of the post/s are to be delivered primarily in another geographical area.

- 14.3.2 The functions of the post/s been reduced and/or combined resulting in a necessity to rationalise resources according to the operational needs of the Municipality.
- 14.4 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 affected job categories will be done in terms of the following criteria:
 - 14.4.1 Call for volunteers from employees within each job category.
 - 14.4.2 Should too many affected employees volunteer to be re-deployed, then selection will be done on the basis of “first in, first opportunity” (FIFO).
 - 14.4.3 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.
 - 14.4.4 In the event of equivalent vacancies subsequently being advertised at the previous geographical location within a period of 12 months from redeployment, any re-deployed employee will receive preference should he apply for transfer thereto.
 - 14.4.5 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 Municipality will pay the cost of removal of his household goods to his new place of residence in terms of the Municipality’s Relocation Policy.
 - 14.4.6 In the case where the employee does not move his place of residence, additional travelling arrangements or costs may be negotiated with the municipality.

SECTION 15: REDUNDANCY / RETRENCHMENT

The following will not automatically constitute grounds for retrenchment/redundancy;

- 15.1 The failure to accept reasonable geographical re-deployment.
- 15.2 The failure to accept transfer from one department to another department for operational requirements.

SECTION 16: DURATION OF THE PLACEMENT PROCESS

The placement process will commence in each department after the constitution of the Placement Committee has been approved by the Municipal Manager and will terminate after all the objections have been resolved.

SECTION 17: ADMINISTRATION OF POLICY

The Municipal Manager shall be responsible for the administration and enforcement of this policy, provided that he or she may delegate any of his functions or duties hereunder to another member of staff of the Municipality.

SECTION 18: AMENDMENTS

The Council may from time to time amend this policy, in consultation with the labour organisations and introduce any measure(s) to ensure efficient, and effective management of Council resources.

SECTION 19: DISPUTE RESOLUTION

Internal dispute resolution processes shall be followed in the event of any grievances and disputes arising out of the implementation of this policy. For all external candidates, the recognised labour relations mechanisms shall be applied.

SECTION 20: EFFECTIVE DATE

This Policy will become effective upon approval thereof by the Council of the Overstrand Municipality.

Policy Section:	Human Resources
Current Update:	
Previous Review:	
Approval by Council:	28/02/24