



MOGALE CITY LOCAL MUNICIPALITY

# RECRUITMENT POLICY

2023 -2024

## DOCUMENT MANAGEMENT

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Custodian	Assistant Manager: Recruitment & Human Capital Administration
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## **1. EXECUTIVE STATEMENT**

- 1.1 As Head of administration, the Municipal Manager, subject to the policy direction of the Municipal Council, is responsible and accountable for the appointment of staff other than those referred to as follows:
- 1.1.1 in terms of Section 56/57 of the Systems Act.
  - 1.1.2 those in the Employment Equity Act, 1998 (Act No 55 of 1998).
  - 1.1.3 including (section 55 (1) of Municipal Systems Act of 2000 (Act No 32 of 2000).
  - 1.1.4 Municipal Staff Regulations, promulgated 2021.
- 1.2 MCLM recognizes that the achievement of its IDP and strategic objectives can only be realized when the right employees are recruited at the right time and are placed/ recruited and performing accordingly in the right positions.

## **2. INTRODUCTION**

### **2.1 Rationale and Objectives of the Recruitment Policy:**

- 2.1.1 The Recruitment Policy is therefore crucial in providing guidelines on the recruitment, selection and placement of quality, competent and suitably qualified and skilled employees.
- 2.1.2 These policy guidelines will ensure that the best possible talent is attracted to contribute to the achievement of the Municipality's mandate, as well as strategic and operational objectives, whilst enjoying long-term career success.
- 2.1.3 This policy seeks to attract the best candidates both from within and outside the organizational/ Municipal area of jurisdiction.

2.2 MCLM does not allow the practice of volunteering in any form.

2.3 The existing employ should only comprise of Permanent employees, Contract employees, Fixed Term employees, Interns and Learners.

The guiding process in dealing with the recruitment of staff encapsulates the rationale and objectives of this Recruitment Policy in the following manner.

The above-mentioned rationale and purpose of this Policy is to:

- 2.1.3 Provide the minimum standards to enable a consistent, fair and merit-based approach to the recruitment process in accordance with Employment Equity Policy and relevant employment legislation.

- 2.1.4 Provide guidelines for the recruitment and selection processes within the Municipality.
- 2.1.5 Ensure fair and equitable treatment of external and internal candidates.
- 2.1.6 Ensure that all appointees are competent and/ or have the potential to fulfill the required performance outputs of their respective descriptions.
- 2.1.7 Ensure that all recruitment activities are handled according to best practice and professional guidelines.
- 2.1.8 Establish principles and procedures that comply with legislative principles in respect of employment equity and affirmative action.
- 2.1.9 Ensure that consistent and non-discriminatory recruitment and selection practices and processes are implemented at all times.
- 2.1.10 Ensure that employees are utilized for the purposes of meeting Mogale City human resources requirements and to provide measures for transfer, secondment and deployment of employees.
- 2.1.11 Provide regulations for transfer, secondment and deployment of employees on grounds of incapacity and/ or operational requirements.
- 2.1.11.1 Ensure that MCLM appointees are competent and/ or have the potential to fulfill the required performance outputs of their respective job competency profiles.
- 2.1.12 Ensure standardization, transparency, consistency, fairness and best practice with regards to the recruitment and selection process; and
- 2.1.13 Attract, obtain and retain suitably qualified candidates that would meet MCLM's immediate and future human resource needs.

## 2.2 Legislative Frameworks

The legislative framework includes, but not limited to:

- 2.2.1 Basic Conditions of Employment Act 75 of 1997 as Amended
- 2.2.2 Labour Relations Act 66 of 1995
- 2.2.3 Employment Equity Act No 55 of 1998
- 2.2.4 Skills Development Act of 1998
- 2.2.5 Municipal Systems Act 32 of 2000
- 2.2.6 Municipal Structures Act 117 of 1998
- 2.2.7 Constitution of the Republic of South Africa, Act No 108 of 1996
- 2.2.8 SALGBC Main Collective Agreement, 2015 -2023
- 2.2.9 **Municipal Staff Regulations, 2021 as promulgated.**

## 2.3 Links to other Human Capital Management Policies

In addition to the legislative frameworks, the Recruitment Policy should read with, inter alia, the following policies:

- i. Probation Policy
- ii. **Employment Equity Policy & EE Plan (EE Group Plan and EE Departmental Sub-plans)**
- iii. Promotion and Succession Planning Policy
- iv. Performance Management Policy
- v. Induction and Orientation Policy
- vi. Transfer and Secondment Policy
- vii. Retention Strategy
- viii. EE Group Plan and EE Departmental Sub-plans

## 3 ACRONYMS, ABBREVIATIONS AND DEFINITIONS

### 3.1 Acronyms

ACRONYM	DEFINITION
MCLM	Mogale City Local Municipality
HCM	Human Capital Management
HCD & T	Human Capital Development and Training
R & S	Recruitment and Selection
<b>R&amp;HCA</b>	<b>Recruitment &amp; Human Capital Administration</b>
OD	Organizational Development
HCA	Human Capital Administration

ACRONYM	DEFINITION
MM	Municipal Manager
MSR	Municipal Staff Regulations
EE	Employment Equity
EE & T Committee	Employment Equity & Transformation Committee
IDP	Integrated Development Plan
SAQA	South African Quality Authority
SDBIP	Service Delivery Budget Implementation Plan
SOP	Standard Operating Procedure
NIA	National Intelligence Agency
AA	Automobile Association

### 3.2 Definitions

For the purpose of this policy, the following definitions apply:

TERM	DEFINITIONS
Advertisement	Means public announcement of vacant posts in MCLM
<b>Affirmative Action</b>	<b>This is an act designed to promote active recruiting of all qualified members of the workforce and to correct previous wrongs in the composition of the workforce</b>
Applicant	An applicant is any person who applies for a position and/ or responds to an advert at MCLM
Application Form	A form that must be completed in an application for a position of employment with MCLM
Appointee	Is a candidate who has been made an offer of employment but has not accepted it, or has accepted the offer but has not yet started service
Appointment	Means the final step in the recruitment processes where a successful applicant/candidate who has been selected through a process of short-listing



TERM	DEFINITIONS
	and interviewed with a view to possible employment.
Candidate	Means an applicant for a post or an applicant who has been selected through a process of short-listing, to be interviewed with the purpose of possible employment if successful
Council	Means a municipal council referred to in section 157 of the Constitution.
Close relative/ Family	Is defined as a spouse, domestic partner, parent, mother-in-law, father-in-law, step-parent, child, son-in-law, daughter-in-law, step-child, brother, step-brother, brother-in-law, sister, stepsister, sister-in-law, grandchild, aunt, uncle, nephew, niece and first cousin
Cost Centers	<ul style="list-style-type: none"> <li>a) A Cost Centre represents a separate location for cost capture.</li> <li>b) Payroll costs are posted to a cost Centre.</li> <li>c) Cost centers are set-up based on how we manage our business.</li> <li>d) This is the level to which employee salaries and benefits are charged from the HR module.</li> </ul>
Designated Groups	<ul style="list-style-type: none"> <li>a) Means black people, women, and people with disabilities as further elaborated in the Employment Equity Act No. 55 of 1998.</li> <li>b) It goes on to state that, these are people who must be citizens of RSA by birth or descent.</li> <li>c) Alternatively, they must have become citizens of the Republic through naturalization.</li> <li>d) However, they were not able to do so earlier because of apartheid.</li> </ul>
Employee	a) Means a person employed by the Employer and shall include a permanent employee or an employee as defined by the Act.

TERM	DEFINITIONS
	<p>b) An employee means any person, excluding an independent contractor, who works for another person or for the state and who receives, or is entitled to receive any remuneration.</p> <p>c) Any other person who in any manner assists in carrying on or conducting the business of an employer.</p> <p>d) Employee” – any person, excluding an independent contractor, who works for MCLM and who receives, or is entitled to receive any remuneration</p>
Employer	Refers to Municipalities that fall under the jurisdiction of the Gauteng Division of the SALGBC
External Advertisement	Is an advertisement meant for all South African citizens and Foreign Nationals with a valid working permit
External Candidates	Are all South African citizens and Foreign Nationals with a valid working permit not on the Municipality's payroll
Financial Year	Means the financial year of a municipality as prescribed in terms of the Municipal Finance Management Act
Fixed term contract	Employees appointed on a five-year contract and/or on employment linked to the Term of Office of the Political Office Bearers
Head Hunting	This is a process whereby a suitable candidate is sourced through word of mouth or referral. (This usually occurs when the skill is considered to be scarce or where a candidate could not be found through the normal process of internal and external recruitment. Therefore, Head Hunting is

TERM	DEFINITIONS
	considered the last step of endeavoring to find suitable candidates).
Induction	This is a formal entry into the organization or position or office;
Internship	Is a planned structured and managed work experience that is occupationally based and is undertaken by graduates who already completed their qualification preferably age 18-35
Internal Advertisement	The advertisements on internal notice boards, circulars, internal emails and the intranet meant solely for employees on Municipality's Payroll
Internal Applicant	Are all internal employees of MCLM with valid and recognized pay number applying for positions advertised; and are on the payroll of the Municipality (including permanent, contract and temporary employees) at the time of the internal advert
Jobs	<p>Means the basic duties, functions, tasks, competency requirements and responsibilities according to which one or more posts of the same grade are established.</p> <ul style="list-style-type: none"> <li>a) Jobs are equivalent to job classification levels.</li> <li>b) The same job group can be found in many departments and can be performed by more than one individual. Jobs are defined, for our purpose, by information types of objects (name), relationships and description</li> </ul>
Job Profile Description	A profile description of any knowledge, skill, attitudes, behavior, motive or other personal characteristic that is essential for an individual to perform a job, or more importantly; differentiates "solid" from outstanding performance

TERM	DEFINITIONS
Job Specification	A specification of the Key Performance Areas, required qualifications, experience, competencies, etc. required for a job/ position
Learnership	Is a training programme which leads to a qualification that relates to an occupation and consists of a structured learning component and practical work experience.
Local	Means residents of Mogale City as first preference consequently extended to the West Rand in general (Randfontein, Westonaria and Carletonville)
Nepotism	Means favoritism on the basis of family relationship or friendship
Non-Permanent Employee	Means a: <ul style="list-style-type: none"> <li>a) Contract Employee who is employed for a specified period of time</li> <li>b) Temporary Employee who works for a specified period</li> <li>c) Intern a person who is on an internship program for a specific period</li> </ul>
Competency Assessments Psychometric assessment/ tests	<ul style="list-style-type: none"> <li>a) Refers to the assessment of personality, ability, attitude, motivation, interest, needs, emotional, intelligence, among others.</li> <li>b) All assessment are classified psychological tests and administrators are registered with the HPCSA</li> </ul>
Organizational Structure	<ul style="list-style-type: none"> <li>a) A representation of the reporting structure and the distribution of tasks using units (e.g. Departments) in an organization.</li> <li>b) An Organizational Structure is made up of Organizational Units, which represents the</li> </ul>

TERM	DEFINITIONS
	departments, divisions and sections within MCLM
Placement	<p>a) Deals with the appointment and placement of a successful job applicant into a position through the formal written offer of employment.</p> <p>b) This is the responsibility of the Human Capital Management as per the panel's approved recommendations or report signed by Municipal manager in line with approved Organogram</p>
Post	<p>a) Means a position on employers approved organizational structure to which specific duties are coupled.</p> <p>b) Means a position to which a person is appointed on the approved staff establishment for which financial provision exists</p>
Promotion	<p>a) Is the process of selection of the most suitably qualified employee from a pool of candidates.</p> <p>b) This is the appointment of an employee to a position of a greater status, responsibility and authority than previously enjoyed by the employee in the organization through a recruitment process.</p> <p>c) The candidates must be employees of MCLM.</p>
Recruitment	<p>a) Means the activities undertaken in the human resources management in order to attract sufficient job candidates who have the necessary potential.</p> <p>b) These are those who complies and with traits to fill job needs.</p> <p>c) Those committed or willing to assist the municipality in achieving its objectives;</p>

TERM	DEFINITIONS
	<p>d) It also covers the enlisting of job applicants through fair, open, and consistent internal/ external advertisements, employee referrals, and utilization of employment agencies, adoption of recruitment campaigns / head - hunting and executives search firms to secure the most suitably qualified candidate for a vacant or new position.</p>
Reference check	<p>Means the gathering of information about a candidate's past history from people with whom such candidate has been associated</p>
Scarce Skills	<p>a) Refers to the inability to find suitably qualified and experienced people to fill occupational vacancies either at an absolute level of scarcity (no suitable people available) or at a relative level of scarcity (no suitable equity candidates available);</p> <p>b) These are skills that are needed to realize the IDP programmes but are difficult to recruit and expensive to replace.</p> <p>c) These skills will not always be the same.</p>
Secondment	<p>Refers to an employee temporarily vacating his/her post and only physically moving to another post</p>
Security Screening	<p>Means checking of criminal record, credit record and citizenship by the relevant institution</p>
Selection	<p>a) Means the process of making decisions about the matching of candidates taking into account individual differences and the requirements of the job;</p> <p>b) Deals with the choosing of the applicant who is regarded as "the best fit" according to the criteria set out and meet requirements of the job;</p> <p>c) The purpose of selection systems should be to determine which candidates from a group</p>

TERM	DEFINITIONS
	of applicants are most likely to be successful in performing the job.
Short-listing	<p>a) A process whereby preliminary screening is undertaken to include and exclude applicants who qualifies and those who do not competitively comply with minimum requirements for a particular post;</p> <p>b) This is also to develop a list of those best suitable for interview purposes or otherwise to be indicated.</p>
Staff Establishment	Means the approved jobs and number of posts created for the normal and regular requirements of a municipality, also referred to as the organizational structure or organogram.
Staff or staff member	For the purpose of these regulations means an employee of a municipality, but excludes senior managers
Suitably qualified	<p>a) Means any one-off, or any combination of formal qualifications, prior Learning, relevant experience capacity to acquire, within a reasonable time, the ability to do the job</p> <p>b) This refers to an applicant who as a result of any one of, or any combination of that person's:</p> <ul style="list-style-type: none"> <li>- Formal qualifications.</li> <li>- Prior learning;</li> <li>- Relevant experience; or</li> </ul> <p>c) Capacity/ potential to acquire, within a reasonable time the ability to do the job; represents the best available candidate from a pool of job applicants</p>

TERM	DEFINITIONS
Temporary Assignment	<p>a) Means to temporarily carry out work in a different position;</p> <p>b) This may be with or without vacating his/her post.</p>
Temporary employees	Means an employee appointed full-time or part-time for a maximum period of twelve (12) months to undertake and complete a specified task
Trade Union(s)	<p>Means either IMATU and/ or SAMWU</p> <p>Or</p> <p>A Trade Union with organizational rights in terms of the Labour Relations Act (Act 66 of 1995)</p> <p>Or</p> <p>Means the trade unions recognised within the bargaining council established for municipalities nationally</p>
Transfer	Means the permanent movement of an employee from one position to another position in the same or another job category, which may include the physical transfer from one location to another
Vacant position	Means a position that is in the approved establishment plan, which is vacant or has become vacant as a result of resignation, death, retirement, dismissal, demotion, promotion, transfer or medical boarding

NB: The following words shall be used interchangeably in this policy:

1. employee and staff member
2. post and position

#### 4 SCOPE AND APPLICABILITY

3.1 This policy is applicable to:

3.1.1 All vacancies across the Municipality.

3.1.2 Recruitment of graduates, learnership, contract workers and other forms of employee intake.



### 3.1.3 Applicants to vacant positions

## 5 KEY PRINCIPLES

4.1 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 policy and plan: Provided that if a municipality is unable to adhere to the employment equity plan due to specialised 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 procedures;
- c) use objective competencies specified from the Regulations as well as Job Description; and
- d) be filled through advertising in accordance with the contents of the Policy.

MCLM shall adhere to the following key principles in the implementation of the recruitment policy:

- 4.1 Professional, fair, objective, transparent, non-discriminatory processes that will afford each applicant an equal opportunity to compete for vacant positions, except as provided in this policy with reference to affirmative action and employment equity;
- 4.2 Recruitment strategies that will attract and retain a diverse selection of qualified internal and external applicants;
- 4.3 Holistic and integration with other human capital management processes, such as training and development, retention, performance management etc.;
- 4.4 Utilization of the recruitment and selection process to achieve targets and objectives set in the EE Policy and Plan, as well as ensuring that Municipality objectives of diversity of its workforce at all levels are met;
- 4.5 A non-discriminatory recruitment and selection process within the Municipality and in compliance with the spirit of the EE Act and all legislative requirements as amended from time to time;
- 4.6 Elimination of all forms of unfair discrimination in the recruitment and selection of staff;
- 4.7 A recruitment and selection process based on the core competency criteria and inherent requirements of the job, relevant to competence in the specific post in question;
- 4.8 A recruitment and selection process that contribute to enhancement of the Municipality 's image as a preferred employer;
- 4.9 In the event of competency based assessments being used as part of selection, ensure that they are valid, reliable, and free from cultural bias and in accordance with inherent requirements of the job;
- 4.10 Application of the provisions of the Employment Equity Act that requires that a person may be suitably qualified for a job as a result of any one of, or any combination of that person's:
  - 4.10.1 formal qualifications;

- 4.10.2 prior learning;
  - 4.10.3 relevant experience; or
  - 4.10.4 the applicant has the capacity to acquire, within a reasonable time, the ability, skills and competencies to do the job
- 4.11. When determining whether a person is suitably qualified for a job, the Municipality must take steps to:
- 4.11.1. Determine whether the factors in the above are inherent requirements of the job and;
  - 4.11.2. Determine whether that person has the ability to do the job in terms of any one of, or any combination of those factors.
- 4.11 Recruitment must be as efficient and cost-effective as possible but must at all times adhere to the principle of fairness with regard to the relevant labour market.

A **municipal council must** —

- (a) determine the municipality's staff establishment, which will provide the **basis for each departments' strategic workforce and human resource planning**. The human resource planning will, in the staff supply planning process, take into account race, gender, disability, occupational level and grade with reference to their competencies, training needs and capacities;
- (b) determine the **staff establishment necessary to perform its functions** which will guide the staff demand planning, with particular reference to—
  - (i) the **number of staff members required**;
  - (ii) the **minimum competencies** which the staff members must possess;
  - (iii) the **posts and post levels** in which each of the staff members will be appointed; and
- (c) according to the municipality's requirements **within the available budgeted funds**, including funds for the remaining period of the relevant medium-term revenue and expenditure framework.

## 6 ROLES AND RESPONSIBILITIES

The implementation of the recruitment policy is the responsibility of the Human Capital Management in conjunction with Executive Managers and Line Managers.

### 6.1 Council

6.1.1 It is the responsibility of Council to:

- 6.1.1.1 Approve the Recruitment Policy.
- 6.1.1.2 To delegate where possible.

### 6.2 The Municipal Manager

6.2.1 It is the responsibility of the Municipal Manager to:

- 6.2.1.1 Approve the Recruitment Standard Operating Procedure (SOP).
- 6.2.1.2 Account for the overall policy implementation.
- 6.2.1.3 Reserve the right to approve or decline the recommendation from the Panel.
- 6.2.1.4 Appoints the panel members for shortlisting and interviewing applicants/candidates;

6.2.1.5 Approve or decline the recommendations made for the appointment of a candidate(s).

### **6.3 The Corporate Support Services (CSS) Department**

6.3.1 The CSS Department shall be responsible for administering the recruitment process in that it shall, amongst other things: -

6.3.2 Provide assistance in defining job specifications for vacant positions.

6.3.3 Process departmental recommendations for the filling of a vacant position.

6.3.4 Prepare all advertisements for the position to be filled in consultation with the relevant Department.

6.3.5 Prepare report to the Municipal Manager on envisioned recruitments.

6.3.6 Responsible for enquiries concerning advertised post.

### **6.4 Executive Managers (S56) and Line Managers**

6.4.1 It is the responsibility of all S56 Managers and Line Managers to:

6.4.1.1 Acquaint themselves with all relevant legislation related to the Recruitment Policy.

6.4.1.2 Take all the necessary steps to ensure that all employees who report to them are aware of and comply with the recruitment policy.

6.4.1.3 Ensure recruitment, selection and appointment of staff in the Municipality is done in accordance with the Recruitment Policy and its SOP.

6.4.1.4 Ensure the correct implementation of and adherence to the approved Recruitment Policy.

6.4.1.5 Support/ not support the recommendations made on the appointment report developed for Municipal Manager's approval.

### **6.5 The Human Capital Management**

6.5.1 It is the responsibility of the HCM Division to:

6.5.1.1 Advise the Executive Manager on matters related to the Policy.

6.5.1.2 Advise other Executive Managers and/ or MM through Executive Manager: Corporate Support Services.

6.5.1.3 Monitor and evaluate the correct implementation of the Recruitment Policy.

6.5.1.4 Ensure that the Recruitment Policy comply with the Council resolutions, applicable legislation, conditions of service and relevant bargaining council agreements.

6.5.1.5 Ensure that there is fairness and consistency in terms of all relevant legislation, in particular; the Employment Equity Act provisions.

### **6.6 The Recruitment and Human Capital Administration (R&HCA) Selection Sub-division (R&S)**

6.6.1 It is the responsibility of the R&S Section to:

- 6.6.1.1 Advise the Executive Manager directly or through the HCM Manager on matters related to the Policy.
- 6.6.1.2 Advise other Executive Managers through HCM Manager and Executive Manager: Corporate Support Services.
- 6.6.1.3 Conduct all administrative aspects related to recruitment, selection and appointment of permanent, fixed term and temporary employees.
- 6.6.1.4 Compile the names of newly appointed employees and submit them to HCA Subdivision for capturing of personal data, to L&D Subdivision for induction and orientation coordination.
- 6.6.1.5 Clarify the employment offer to newly appointed employees.
- 6.6.1.6 In conjunction with L&D, ensure that relevant training is provided to all departments for the successful implementation of this policy.
- 6.6.1.7 Prepare regular statistical reports on appointments in the Municipality.
- 6.6.1.8 Where relevant ensure that Pre-employment medicals are conducted prior appointment.
- 6.6.1.9 Ensure that the Policy is reviewed and updated on an ongoing basis.

## **6.7 Organisational Development & Design (ODD) Sub-division**

6.7.1 It is the responsibility of the Organizational Development to:

- 6.7.1.1 Ascertain the vacancy of position(s).
- 6.7.1.2 Determine whether the said vacant position is funded.
- 6.7.1.3 To advise on whether the said position is eligible for filling.
- 6.7.1.4 Keep updated job descriptions.
- 6.7.1.5 Submit an approved job description to R&S Section when requested.

## **6.8 Recruitment and Selection Panel**

6.8.1 It is the responsibility of the Recruitment and Selection Panel to:

- 6.8.1.1 Safeguard the integrity of shortlisting and interviewing process.
- 6.8.1.2 Provide guidance on the adherence of confidentiality.
- 6.8.1.3 Respect candidates' privacy and maintain confidentiality at all times.
- 6.8.1.4 To submit a report reflecting a Panel outcome with recommended name(s).

## **6.9 Trade Unions**

6.9.1 It is the responsibility of the Trade Unions to:

- 6.9.1.1 Observe the fairness of the on shortlisting and interviewing process.
- 6.9.1.2 To sit in the short listings/ interviews as an observer.
- 6.9.1.3 To ensure fairness and transparency during the recruitment processes.
- 6.9.1.4 Ensure that a minimum of 1 representative per union attends the interview.
- 6.9.1.5 To adhere to the confidentiality of the processes.

## **6.10 Employment Equity & Transformation Committee**

It is the responsibility of the Employment Equity & Transformation Committee to:

- i. Provide employment equity statistics of the Department during shortlisting and interviews;
- ii. Ensure/Provide guidance to the effect that selection process is done in accordance to the Employment Equity targets set.

## **6.11 Employees**

All employees are responsible for complying/ adhering to the approved Recruitment Policy.

# **7 DETERMINATION OF RECRUITMENT NEEDS**

- (1) Every municipality must—
  - (a) develop the strategy to—
    - (i) fill funded vacancies; and
    - (ii) reduce turnaround times for filling of approved vacant funded posts;
  - (b) fill all funded vacant posts on the staff establishment within six months of a funded post becoming vacant
  - (c) at all times have the capacity and capability to perform its functions.
- (2) The strategy contemplated in sub-regulation (1)(a) must include timeframes for the various activities included in the recruitment and selection processes.
- (3) A vacant post on the staff establishment may not be filled unless—
  - (a) the municipal manager or a staff member to whom this function is delegated has approved the filling of the post; and
  - (b) the post is budgeted for.
- (4) Deviation from sub-regulation (1) may be granted on the following grounds:
  - (a) budget cut requiring prioritisation of personnel expenditure;
  - (b) impending re-structuring exercise; and
  - (c) alternative staffing solutions are adopted.

# **8 GENERAL REQUIREMENTS FOR APPOINTMENT OF STAFF MEMBERS**

- (1) No person may be appointed as a staff member on a fixed-term contract, permanent basis, or probation, to any post on the approved staff establishment of a municipality, unless he or she—
  - a) is a South African citizen, permanent resident or foreign national with a valid work permit; and
  - b) possesses the core and relevant competencies, qualifications, and experience, as set out on the Job description (as directed from the Regulations).

## **9 COMPETENCY REQUIREMENTS FOR STAFF MEMBERS**

- 1) A person appointed as staff member in terms of these Policy must, where applicable—
  - (a) have the necessary competencies; and
  - (b) comply with the minimum requirements for education qualifications, work experience and knowledge as set out on the Job description.
- 2) A staff member who was appointed before the regulations and Policy came into effect and who do not meet the minimum competency of the relevant position as prescribed, shall be deemed meeting the requirements of the post. Despite the provision of the Regulations, the municipality may place an employee on a programme to acquire the competency requirements as prescribed in order for the employee to be eligible for career opportunities in the municipality.
- 3) If an employee has not attained the competencies as prescribed in the Job Description, the municipality must utilize the workplace skills plan to identify and address the employee's competency gaps and development needs.
- 4) Where the Minister issues a notice in the Gazette determining uniform competency-based assessment for specific occupational streams, the municipality must subject employees to the competency assessment for specific occupational streams as determined by the Minister in the Gazette.

## **10 ADVERTISING OF VACANT POSTS**

- (1) The municipality must advertise a post after the approval has been obtained.
- (2) The advertisement must at least specify the—
  - (a) job title;
  - (b) term of appointment;
  - (c) place of work;
  - (d) applicable salary scale or pay range;
  - (e) competency requirements of the post, and where applicable the minimum qualifications and experience as set out on the Job description
  - (f) inherent requirements of the job;
  - (g) summary of the core functions;

- (h) need for signing an employment contract and, where applicable, a performance agreement and disclosure of benefits and interest;
  - (i) address where applications must be sent;
  - (j) place where applicants can obtain the application form;
  - (k) contact person;
  - (l) where necessary, the need to undergo screening and vetting; and
  - (m) closing date for submission of applications.
- (3) If a municipality does not have the capacity to manage recruitment processes, such municipality may appoint a recruitment agency to undertake the recruitment processes including-
- (a) response handling;
  - (b) compilation of—
    - i. long list of all applicants who applied for the advertised post.
    - ii. preliminary list of applicants who meet the requirements.
    - iii. list of applicants who do not meet all requirements but have the potential;
    - iv. list of applicants who do not meet the requirements: Provided that the advertising and recruitment procedures comply with the provisions of the Act and these Regulations.
- (4) The recruitment agency contemplated in sub-section (3) shall not undertake the selection process.
- (5) An advertisement contemplated in sub-section (2) may be utilised to create a **pool of potential candidates valid for a period not exceeding six months** from the date of advertisement to fill any other vacancy in the relevant municipality if—
- (a) 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
  - (b) the recruitment process contemplated in these Regulations has been complied with.
- (6) A municipality may advertise any funded vacant post, as a minimum, within the municipality, but may also advertise such post—
- (a) locally; or
  - (b) nationwide.
- (7) Language of Adverts
- a. The universal language (English) and all relevant languages where possible.

## 11 APPLICATION FOR VACANT POST

- (1) An application for a vacant post must be made on the form that is attached as Annexure A.
- (2) Despite sub-regulation (1), a municipality may use an on-line application form that contains the information in Annexure A and is consistent with Regulations.



- (3) An applicant for a post must disclose—
- (a) his or her qualifications and experience;
  - (b) his or her contactable references;
  - (c) his or her registration with a relevant professional body, if applicable;
  - (d) full details of any dismissal for misconduct or substandard performance; and
  - (e) any disciplinary actions, whether pending or finalised, instituted against the applicant in his or her current or previous employment.
- (4) Any misrepresentation or failure to disclose material information contemplated in sub-regulation (3) and the application form, is a breach of the Code of Conduct for Municipal Staff as provided for in Schedule 2 of the Municipal Systems Act.
- (5) Applications not made on the **prescribed application form** will render any appointment or contract entered into, between the municipality and the successful candidate invalid.
- (6) 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 municipality's premises. A record of applications shall be disposed of in terms of the National Archives and Record Service of South Africa Act, 1996.
- (7) The record must contain—
- (a) the applicants' biographical details and contact information;
  - (b) the details of the post for which the applicants were applying;
  - (c) the applicants' qualifications; and
  - (d) any other requirements outlined in the application form.

## 12 SELECTION PANEL

- 12.2 A municipal manager or his or her delegate must appoint a selection panel for each of the advertised post to recommend the appointment of a suitable person to the vacant post.
- 12.3 The selection panel must comprise of at least 3 but not more than 5 members.
- 12.4 The chairperson of the panel must be the supervisor or a staff member employed at least one job grade higher than that of the advertised post.
- 12.5 In deciding on the composition of the selection panel, the municipal manager must have regard to the following considerations:
- (a) The nature of the post;
  - (b) the gender and race balance of the panel; and
  - (c) the skills, expertise, experience and availability of the persons to be involved.
- 12.6 A member of a selection panel must—
- (a) disclose any interest or relationship with shortlisted candidates during the short listing process;



- (b) recuse himself or herself from the selection panel if—
  - (i) his or her spouse, partner, close family member or close friend has been shortlisted for the post;
  - (ii) the panel member has a *de facto* relationship or some form of indebtedness to a shortlisted candidate or vice versa; or
  - (iii) any other conflict of interest; and
- (c) sign a declaration of confidentiality as set out in Annexure B to avert the disclosure of information to unauthorised persons.

12.7 A union representative is allowed to attend interviews as an observer, he or she must sign the declaration as set out in Annexure B to prevent the disclosure of information to unauthorised persons.

12.8 The head of human resource or his or her delegate must facilitate and provide advisory services during the selection process to ensure compliance with the Regulations and Policy in the recruitment and selection process.

12.9 A staff member delegated to provide secretarial services during the selection process may not form part of the selection panel.

12.10 Each panel member must disclose potential conflict to be considered by the full selection panel at the initial meeting of the panel.

12.11 If a conflict of interest becomes apparent during the selection process, the municipal manager or his or her delegate may take the appropriate steps to remedy the situation, which may include declaring the selection process invalid and commencing a new process.

12.12 If a conflict of interest becomes apparent after the appointment, the municipal manager or his or her delegate must report the matter to the relevant delegated authority which must take remedial action and, where necessary, disciplinary action.

## **13 SHORTLIST OF APPLICANTS**

13.2 The municipality must compile a list of all applications received for the post evaluated against the relevant competency requirements for the post.

13.3 The selection panel must compile a shortlist based on the inherent requirements of the position as advertised and with due regard to Section 20 of the Employment Equity Act.

## **14 INTERVIEWS**

(1) The list of shortlisted candidates and copies of their applications must be submitted to the selection panel prior to the interviews taking place.

- (2) The selection panel for a post, once constituted, must remain the same at all times. If a member of the selection panel is unable to proceed with the interviews due to circumstances beyond that member's control, such panel member may be replaced or withdrawn. If the selection panel does not quorate, the panel must be reconstituted.
- (3) Despite the provisions of sub-regulation 2, a municipality must grant observer status to each of the recognised trade union representatives during the interviews: Provided that failure by the union to attend the interviews from proceedings will not invalidate the decision of the panel.
- (4) The selection panel must interview the shortlisted candidates.
- (5) Before the interview for a specific post commences, the selection panel must confirm the selection criteria for the advertised post, based on the relevant competencies required for the advertised post.
- (6) The selection panel must keep a written record of the interviewed candidates.
- (7) After considering all the relevant information, the selection panel must recommend candidates in order of preference. If the recommended candidate declines an offer of employment, the next suitable candidate, where applicable, may be considered for appointment.
- (8) If it is determined that the recruitment process has not attracted suitable candidates, during the internal process, the post may be re-advertised externally.
- (9) If the post is categorised as a critical and scarce skill post, alternative recruitment methods such as executive search, head-hunting, referrals and re-advertising may be considered only if the recruitment process has not attracted suitable candidates.
- (10) The recommendations of the selection panel must be determined by—
  - (a) consensus; or
  - (b) where the panel fails to reach consensus, the matter shall be referred to the municipal manager or his or her delegate for mediation or resolution.
- (11) If the selection panel recommends an appointment to the post, it must submit its recommendation to the municipal manager or his or her delegate for approval.

## **15 REFERENCES AND PERSONAL CREDENTIAL VERIFICATION**

- (1) Reference checks and personal credential verification for shortlisted candidates must be conducted by—
  - (a) verifying the candidate's suitability for the job with the current or previous employer;
  - (b) establishing the validity of candidate qualifications and any other verification required by the position before appointment;

- (c) determining whether the candidate has been dismissed previously for misconduct or poor performance by another municipality or employer, and, if so, the nature of that misconduct or poor performance; and
- (d) verifying any other additional personal credentials as may be required by the nature of the job such as criminal records, identification document, security clearance and, where necessary, credit checks.

- (2) A written report on the outcome of the reference checks and personal credential verification must be compiled and considered before the appointment is concluded.
- (3) Despite sub-regulation (1)(a), a candidate who does not have a previous employment record may not be disqualified as a candidate for appointment to an advertised post.

## **16 APPOINTMENT**

- (1) A person may be appointed as a staff member only if he or she—
  - (a) possesses the relevant competencies as prescribed in Advert as per Job description; and
  - (b) is not disqualified in terms of Section 19 of this Policy as per Regulations
- (2) The municipal manager or the staff member to whom this function is delegated must—
  - (a) consider the recommendations of the selection panel; and
  - (b) decide—
    - (i) whom to appoint; and
    - (ii) the terms and conditions of employment.
- (3) Before making a decision to appoint, the municipal manager or delegate must satisfy himself or herself that the candidate meets the relevant requirements of the post as provided on the advert as per Job description.
- (4) If the decision of the municipal manager or the delegate does not accord with the recommendations of the selection panel, the reasons for such a decision must be recorded in writing.
- (5) An appointment may only take effect after the municipal manager or his or her delegate has approved the appointment in writing.
- (6) The municipal manager or his or her delegate must ensure that all the interviewed candidates are informed whether or not they were successful.
- (7) Unsuccessful candidates must, on request, be provided with reasons in writing as to why they were not successful.

## **16.2 APPOINTMENT OF SUPPORT STAFF TO OFFICES OF PUBLIC OFFICE BEARERS**

**16.2.1** A person appointed to a post on the approved staff establishment in order to support the office of a public office bearer as per as per Annexure C must either be –

- (a) seconded from a post on that municipality's approved staff establishment or another municipality's staff establishment; or
- (b) appointed on a fixed-term contract of employment linked to the term of office of the public office bearer through recruitment process.

**16.2.2** The duration of the secondment or fixed-term employment contract contemplated in sub-regulation (1), may not be longer than 30 days after the public office bearer vacates office.

## **17. RE-EMPLOYMENT OF DISMISSED MUNICIPAL STAFF**

- (1) A person who was dismissed from a municipality for any reason stated in column B of the table in Annexure D may not be employed in any municipality before the period set out in column C of the table has expired.
- (2) Despite sub-regulation (1), a person who has lodged a dispute in terms of any applicable legislation, may be appointed subject to the outcome of the dispute.
- (3) The periods set out in column C of the table in Annexure D, run concurrently in respect of a person who was dismissed for more than one category of misconduct set out in column B of the table in Annexure D.
- (4) A municipality must maintain a record of staff dismissed for misconduct and staff who resigned prior to the finalisation of any disciplinary proceedings.
- (5) The record must contain—
  - (a) the full names and identity number of the person;
  - (b) the title of the post that the person occupied;
  - (c) the nature of the misconduct;
  - (d) the date of suspension, if any;
  - (e) the conditions of suspension, if any;
  - (f) the date on which the misconduct was referred to a disciplinary hearing or pre-dismissal arbitration;
  - (g) the date of commencement of the disciplinary hearing or pre-dismissal arbitration;
  - (h) the finding;
  - (i) whether a dispute was referred to the bargaining council or the Labour Court;
  - (j) the costs incurred by the municipality; and
  - (k) the date of resignation or dismissal of the person.

## 18. PROBATION

- (1) The appointment of a person must be effected on a minimum probationary period of three months and a maximum probationary period of 12 months.
- (2) The probationary period must be determined on the basis of the job requirements and the minimum period required to establish whether performance is satisfactory or not.
- (3) The period of probation excludes the number of days for which leave has been taken by the staff member during the period of probation or any extension thereof.
- (4) The municipal manager or his or her delegate must—
  - (a) inform the staff member within the first two weeks of employment of that member's performance requirements;
  - (b) ensure that the staff member completes the municipality's induction programme; and
  - (c) assess the staff member's performance; and provide the staff member with feedback on a quarterly basis on that member's performance.
- 5) If a staff member's performance is not satisfactory, the Municipal Manager or his or her delegate must advise the staff member of any aspects that the staff member is considered to be failing to meet (**Management of performance by probation**).
- (6) If the Municipal Manager or his or her delegate believes that the staff member's performance does not meet the required standards, he or she may extend the probationary period or dismiss the staff member, provided that—
  - (a) the staff member shall first be given a reasonable period of time for assessment, training, guidance or counselling; and
  - (b) the staff member's performance continues to be unsatisfactory after a reasonable period has been given to the staff member to improve his or her performance.
- (7) Despite sub-regulation 6, the municipal manager or his or her delegate may **extend the probationary period** by a period not exceeding six months, in order to afford the municipality an opportunity to further assess the staff member's performance.
- (8) Within one month after the completion of the probationary period, the municipal manager or his or her delegate must—
  - (a) confirm the appointment if—
    - i) the staff member's performance during the probationary period was satisfactory; and
    - ii) the staff member complied with all the conditions of the probationary appointment;
  - (b) subject to the Labour Relations Act, terminate the appointment if—
    - (i) the staff member's performance was not satisfactory during the probationary period; and

- (ii) the staff member did not comply with all the conditions of the probationary appointment.

(9) Probational restrictions would include the following;

- i. Candidate shall not be shortlisted for another position;
- ii. Or be transferred to another position;
- iii. Or be seconded nor be promoted during the probation period;
- iv. An appointed candidate must remain in one position for a period of 12 months in a permanent position before applying for another internal position (i.e. Internal employees shall only be considered for other positions after a twelve(12) months cycle).

## 19. PROMOTION

- (1) A staff member who is appointed in accordance with the recruitment process to a post in a municipality that is higher in salary level or job grade than the one that he or she previously occupied in that municipality is deemed to be promoted to that post.
- (2) A staff member who is promoted does not forfeit his or her years of service and the benefits which accrued from those years of service.

## (4) POLICY CONTENT

### (a) Creation and Filling of Positions

- 17. The Municipal Manager shall, within a policy framework determined by the Municipal Council and subject to applicable legislations, observe the following;
- 18. develop a staff establishment for the municipality;
- 19. submit the staff establishment to the Municipal Council for approval.
- 20. Before creating a post for any newly defined job the following process must be undertaken:
  - 1. Review the organizational structure in line with the strategic plan and/or national directive for a particular year;
  - 2. The new organizational structure be presented to Council for approval;
  - 3. Job Analysis be undertaken;
  - 3. Determine a budget package including the total cost to company as well as cost of office space;
  - 4. Determine the nature of the post (Affirmative Action post);
  - a. Advertise in accordance to the legislative requirements;
  - b. No person may be employed in the municipality unless the post to which he or she is appointed is provided for in the staff establishment of that municipality.

### (5) Advertisements:

- a) Advertising of vacancies will be done internally first to provide opportunities for Council's employees (Specific Positions);

- b) Advertisements will be put on notice boards and it will be sent via e-mail to all HOD's, Manager's and Assistant Managers, as well as to Labour;
- c) All internal adverts will be for a period of seven (7) calendar working days;
- d) If no suitable candidates are available, then council as an alternative resort will revert to external advertisements.

**17. Semi-External Advertisements:**

- a. **Semi external adverts will be those advertisements done within the Mogale City area of jurisdiction;**
- b. **Copies of such adverts will be placed at strategic areas like Wards, Municipal buildings, etc;**
- c. **The advert will be for a period of (eight) 8 working days.**

**18. External Advertisements:**

- i. All positions below Assistant Manager should first be advertised internally, unless the Municipal Manager decides otherwise (noting ii) below;
- ii. The Municipal Manager might decide to advertise the position internally and externally simultaneously;
- iii. All Managers and Executive Manager's positions will be advertised externally in national newspaper/s approved by the Municipal Manager and or Council accordingly;
- iv. Only people who meets the job requirements and with relevant qualifications for the job shall be short listed to continue with the recruitment process;
- v. Advertisements will be done openly through the identified print media;
- vi. All external adverts will also be placed on the MCLM website;
- vii. All external adverts will be for a minimum period of 14 calendar days unless regulated otherwise.

**19. Decision on Content:**

- a) The relevant EM, with the assistance of the HCM Manager or delegated HR official will decide on the job content by conducting a job evaluation on the post;
- b) Human Capital Management will also advise the EMs of any restrictive barriers applicable to certain positions.

**20. Advertisements will contain:**



- i) Who the Employer is, Method of application, The Post title, The Department and Sub-division, Type of position (permanent/temporary), Remuneration package, Inherent Job Requirements and Contact details;
- ii) That if within 90 days an advertised position has not been filled, that position will be re-advertised first before it can be filled;
- iii) That depending on the reason of not filling the position a note will be written that those who have previously applied need not or to re-apply to be considered.

**(b) Further guidelines to this Policy:**

- 17. Relevant Line Manager shall make a request for recruitment and motivate for filling of the vacancy through the Executive Manager of the relevant Department;
- 18. For internal appointments, one report to fill the position of the internal candidate and advertise for the vacated position shall be developed by Recruitment Sub-division;
- 19. The Chief Financial Officer shall confirm that a budget for a new position exists and then the request/ motivation shall be sent to the Municipal Manager for approval.
- 20. The HCM will then implement the filling of the vacancy provided such position exists in the approved organogram and/ or that the position has not been de-limited from the approved organizational structure.
- 21. An approved and ODD qualified job description shall be attached to the motivation requesting the filling of the vacant position.
- 22. No employees, fixed term contracts employees, temporary employees and interns/ learners, will be recruited and appointed without the involvement of HCM.
- 23. From adverts to short listing and interviews, CSS, through HCM, shall facilitate all relevant processes with all relevant stakeholders.
- 24. With regard to appointment of interns by the Recruitment and Selection Sub-division, proper consultation will be done with relevant departments and Learning and Development prior to deploying internship/ learnership candidates.
- 25. Issues of Mentorship and Programmes intended for the interns shall be clearly outlined by Learning and Development Sub-division.
- 26. All posts shall be advertised in such a manner that they draw the attention of all prospective candidates;
- 27. Advertisements shall be done in a manner that shall reach and be understood by all prospective candidates;
- 28. The advertisement shall also comply with the application of the Employment Equity Act such as people from the designated groups including women and people with disabilities;
- 29. The content of the advertised positions shall be informed by an approved and ODD qualified job description.



**(c) Application process**

17. All advertisements shall have a closing date and no late applications shall be accepted;
18. Issues of Applicants shall be handled as follows;
19. All applications shall not be acknowledged on receipt thereof;
20. Only shortlisted candidates will be contacted and be invited for interviews; and this shall be stipulated in the advert;
21. All applications shall be lodged in writing through a covering letter stating the position one is applying for, accompanied by a detailed CV and requested documentation as stated in the advert, e.g. copies of all relevant qualifications;
22. If an applicant fails to submit the required documentation with the application such application shall be disqualified;
23. An applicant shall, if required; submit to medical examination by the Medical Officer nominated by the Municipality (depending on the nature and requirements of job applied for);
24. All examinations will be carried out within the provision of the current and relevant legislation;
25. Where the short-listing panel or the interviewing panel is of consensus that no suitable applicants have applied for the position, a recommendation to the Municipal Manager for the position to be re-advertised internally and/ or externally, or if head hunting process should be followed;
26. Only one representative from each Trade Union and the Employment Equity & Transformation Committee is required per Interview/ Shortlisting session;
27. Municipal Finance Management personnel must have a clear credit and criminal check before any confirmation of the appointment;
28. Credit and criminal check shall be done by the Recruitment and Selection Sub-division;
29. The following could form part of the investigation;
  1. Security clearance for all Managerial positions;
  2. Issues like criminal, credit check, citizenship and qualifications.
30. All vacant positions shall be advertised to comply with relevant legislation and approved policies to promote fair competition unless otherwise stated in the policy;

31. All advertisements shall be in a standardised format representing the job specifications as outlined in the job description and as such forming the basis for shortlisting and interview criteria.

**(d) The Procedure on the Appointment of the New Security/ Traffic Officials and Municipal Finance Management Officials**

17. All the new By-Law Enforcement Officers, Testing Officers/ Examiners and Municipal Finance Management officials will be appropriately screened and no candidates with criminal records and/ or adverse criminal records shall be employed.
18. Where employees were already employed prior to the approval of this policy, employees with a criminal record shall be transferred to a different department and the transfer shall be recommended by the Executive Manager for approval by the Municipal Manager;
19. All the Peace Officers and Municipal Finance Management employed by MCLM shall have to undergo a security clearance.

**(e) Advertisement of a Position**

17. Only approved positions on the organisational structure shall be advertised.
18. The content of the adverts shall be informed by an approved job description received from Organizational Design and Development (ODD).
19. All adverts must be in line with the spirit of the job description

**(f) Recruitment and Selection of Non-Permanent Employees**

17. The recruitment of non-permanent employees shall be in line with the policy on recruitment; and promote employment equity in the workplace;
18. The Municipality may consider appointing a person on a limited period contract where:
1. An existing employee is expected to be absent for so long that his or her duties cannot be performed by other personnel;
  2. If an employee is on temporary incapacity/ medical boarding resulting from long term sickness;
  3. If an employee is send for rehabilitation programme/ mental health institution;
  4. There is a moratorium and employees are required for service delivery;
  5. An employee possesses necessary skills.
19. There are additional work demands or implementation of projects which are not necessarily of a permanent nature (e.g. if employee is only required for the implementation of a project and not required thereafter).
20. The following conditions must be complied with:
- i. Availability of funds;

- ii. The Head of the Department/ Line Manager should confirm that no permanent employee is available to perform the necessary service.
- 21. A report for the Municipal Manager's approval should be developed on reasons for the appointed on contract and these must include the following information:
  - i. The purpose and extent of the specific task to be performed;
  - ii. The specific duties that must be performed;
  - iii. The duration of the contract;
  - iv. Based on the level of output and competencies required, the rank and Level on which the person will be appointed.
- 22. A non-permanent employee shall:
  - i. Be remunerated from the approved departmental basic salaries budget or according to any applicable Policy or guide;
  - ii) Not receive any housing and travelling benefits;
  - iii. Not become a member of a retirement fund, medical aid scheme or group life scheme to which the Municipality must contribute; and
  - iv. Earn leave and sick leave in accordance with the provisions of the BCEA and Bargaining Council Collective Agreement as amended.
- 23. The management of non-permanent employee contract shall be carefully monitored.
- 24. No change to such contract or undertakings/ indications about renewal or extension shall be valid unless otherwise approved by MM.
- 25. An employment contract of a non – permanent employee may not exceed a period of twelve months at a time.
- 26. Approval for appointment of contract or temporary employees should be approved by the Municipal Manager (MM).
- 27. Termination of a Non-Permanent Employee

On termination of a temporary contract, the employee does not have a right to further employment (either renewal of the contract or permanent employment).
- 28. Pregnancy during contract of employment

Should non-permanent employee fall pregnant during employment contract, the issue shall be dealt with according to Main Collective agreement and Basic Conditions of Employment Act.

**(g) Recruitment and Selection of Internal Applicants/ Employees**

- 17. **All internal employees shall serve a 30 days' notice after the date of employment or through negotiation with the previous supervisor/ line manager.**

18. **Recruitment department shall inform the department where the employee is leaving the appointment and give the Executive Manager an employee release form to sign.**

**(h) Recruitment and Selection of Foreign Nationals**

17. Foreign national shall only be appointed within the Municipality to address the need for scarce and critical skills;
18. All appointed foreign nationals should have a legal South African working permit;
19. No foreign national shall be appointed within the Municipality with a view to permanent residence unless he or she is in possession of an immigration permit;
20. The employment of South African citizens and permanent residents shall receive preference and the recruitment of foreign nationals should only be considered as a last resort;
21. Departments shall monitor the availability of human resources within the Municipality in respect of the critical occupations regularly;
22. The South African labour market shall have been properly tested through national recruitment campaigns, with a view to recruit from within South Africa, before considering the recruitment of foreigners as a last resort;
23. Employment shall not be offered to foreign nationals where there is an adequate supply of suitable Mogale City and/ or South African residents or foreign nationals who have permanent residence;
24. Employing a foreign national shall not be used to displace a South African citizen or permanent resident from a position;
25. Should foreign nationals be appointed and an adequate supply of suitable (skilled) South African citizen become available in future, the employment of foreign nationals will have to be phased out in the critical occupations concerned in terms of the provisions of their employment contracts;
26. Employees with temporary resident status shall only be considered for opportunities where MCLM is unable to fill the position with a South African citizen or permanent resident, or where the position requires exceptional skills not available in the country and cannot be trained within a reasonable time period.

**(i) Recruitment Agencies and other Methods**

The Municipal Manager may approve the use of recruitment agencies in the following cases:

- i. Specialized positions
- ii. Psychometric assessment
- iii. When insufficient applications were received after the internal and external advertising processes has been exhausted.

- iv. Other circumstances such as urgency and necessity on temporary basis as approved by the Municipal Manager.
- v. For head hunting purposes or any other reason in the best interest of MCLM and the Community.
- vi. Head hunting shall be done when there is a need for critical and scarce skills.
- vii. The relevant department shall source CV's from different people and not advertise the position

**(j) Receipt and processing of applications**

The Recruitment and Selection Section will be responsible for the processing of all applications received and this process will include the following:

- 17. Receipt of applications.
- 18. Recording of hand delivered applications.
- 19. Recording and keeping of a long list of applications received for different advertised positions.
- 20. The long list will highlight those meeting and those not meeting the minimum requirements;
- 21. The list will be submitted to the shortlisting panel.
- 22. The Recruitment Section will guide the Panel through long list of applications.

**(k) Selection**

- 17. All individuals involved in the recruitment and selection process will be trained in all selection procedures/ processes.
- 18. The Panel in conjunction with the representatives of the relevant department, trade union representatives and representative of the EE&T Committee will conduct the short listing guided by the approved criteria of short listing.
- 19. Reasons for not short listing other applicants must be stated in the short list template or score sheet.
- 20. Trade Union and EE&T Committee representatives sit in the shortlisting and interviews as observers and are meant to ensure the fairness and consistency of the process.
- 21. The selection criteria should be objective, culture free and fair.
- 22. The selection criteria will also be related to the inherent requirements of the job, and consistently applied to all applicants irrespective of their race, gender or religion.
- 23. The advert should clearly state the required qualifications, competencies, recognition of Prior Learning and so on.
- 24. Non-job relevant qualifications such as; theological, educational degrees, linguistic abilities, non-job related experience or length of service will not be considered or used to justify the selection of candidates.
- 25. Any qualification and/ or condition, which have the effect of restricting a person (s) from the designated group, should be clearly justified as job related and related and necessary before it is applied.

26. Selection of applicants for in different departments should be done according to the approved departmental EE Sub-plan (i.e. EE targets) where applicable.
27. The decision of the shortlisting panel for candidates shortlisted for the interviews will be binding for all panel members.
28. Confidentiality on the information discussed during shortlisting should be adhered to.
29. Any information disclosed regarding the shortlisting proceedings would constitute a misconduct.
30. The confidentiality of decisions taken during short-listings or proceedings shall be deemed binding to all members of the shortlisting panel.

**(l) Head hunting**

17. Head hunting shall be applied with caution at all times.
18. It shall only be employed with the explicit approval of the MM.
19. Head hunting shall only be done after the selection panel, in consultation with the relevant Executive Manager, is of the opinion that the assessed candidates are not suitable and/ or do not meet the requirement of the position advertised.
20. The head hunted persons shall be provided with the copy of the recruitment advertisement and allowing candidate to apply of their own accord.

**(m) Interviews**

17. Interviews shall be conducted by a Panel appointed by the Municipal Manager;
18. The interview atmosphere should be free from patronizing approaches and or intimidation.
19. The purpose of the interview shall be explained by the HCM official, whether it is an initial screening device or the final step in selection.
20. A Union representative shall be part of the interviewing panel to observe and ensure free and fair application of the interview process.
21. The departments shall be allowed to set interview standards/questions, preferably with possible answers, which all panel members shall be given the opportunity to input on.
22. The summary of all scoring candidates' scores shall be captured on the Interview Scorecard.
23. A record of the short-listing and interviews which includes questions and applicants scores shall be kept by R&S Section and be retained to justify the decision and shall only be made available on requests.

24. Psychometrics assessments shall be carried out for all managerial positions (MM, Executive Managers and all Managers at salary 3).
25. Furthermore, such assessments shall be in line with the provision of the Labour Relations Act, Employment Equity Act and any other legislation or Collective Agreement.
26. The Municipality will only accept psychometrics assessments if the instrument(s) used have been scientifically shown to be valid and reliable and can be applied fairly to all candidates;
1. Psychometric testing of workers or job applicants is illegal unless the tests.
  - a. have been proved valid and reliable (i.e. by the HPCSA);
  - b. are fair to all workers; and
  - c. do not discriminate against a worker or group.
27. In the case of the positions requiring candidates to demonstrate specifics on the job skills and abilities as per key performance areas of the job, (e.g. driving, typing etc.) assessment centers may be utilized if necessary for that purpose.
28. In the case of candidates not in the employ of the Municipality, reference checks should supplement the selection process, and aim at eliciting factual and objective information.
29. Reference may only be used to determine the quality of the candidate's attributes and interpersonal skills.
30. A candidate's existing employer may only be contacted if the candidate has given the necessary approval in this regard.
31. Should it be found that the information on the Curriculum Vitae is false or fraudulent, the candidate may be disqualified.
32. Questions which could be discriminatory in nature should be avoided.
33. Candidates living outside Gauteng Province will be compensated for their actual travel expenses, or as calculated at the applicable AA tables.
34. Candidates must fill in relevant claim forms, indicating kilometers travelled or proof of expenses incurred must be submitted before payment can be done.
35. Furthermore, the recruitment & Selection unit must encourage candidates to utilize the most economic mode of transport.
36. In an event the appointee must relocate from one Province to MCLM, the Municipality will pay 50% of the cost, provided the amount not more than 5% of the annual basic salary.

**(n) Shortlisting and Interviews**

- i. The shortlisting and interviews panel can either be an even or an odd number;



- ii. The Panel group should not consist of less than three members.
- iii. The composition of the shortlisting and interviewing panel shall be as follows:
  - a. The Executive Manager and/ Immediate Supervisor that the particular job will be reporting to.
  - b. A representative from Human Capital Management.
- iv. The Recruitment and Selection employees shall only be involved in shortlisting and/ or interviews of employees for positions on the same levels and/ or below; unless they have delegated responsibilities.
- v. Shortlisting and/ or interviews of all jobs on salary level 2 and 3 shall be conducted by the Manager: Human Capital Management and/ or Executive Manager: Corporate Support Services.
- vi. A representative from Labour to observe the process.
- vii. A representative from Employment Equity and Transformation Committee (monitor the implementation of Employment Equity Sub Plans).

17. **Shortlisting Principles**

- 1. Preference shall be given to internal candidates and only external candidates shall be considered if no suitable internal candidates are available internally;
- 2. Shortlisting criteria shall be objective and related to the inherent requirements of the job and realistic future needs of the Organisation;
- 3. Confidentiality of the whole selection and short listing process shall be strictly adhered to;
- 4. The central guiding principle for short listing shall be determined in relation to the inherent requirements of the job provided;
- 5. That selection shall favour, as determined by the numerical goals as per the approved employment equity plan and/ or employment equity departmental sub-plan, suitably qualified applicants;
- 6. Shortlisting shall be done on the basis of the approved employment equity targets, essential qualifications and experience and skills requirements in terms of job descriptions as approved by the relevant parties;
- 7. All CVs received shall be captured and shortlisting shall be as per the minimum requirements of the position.

**(o) Appointments**

- 17. A person shall be at least 18, but not yet 65 years of age before he/ she may be appointed.



18. The appointment report stipulating the recommended candidates shall be handled as follows;
  1. prepared by the Recruitment and Selection Section,
  2. supported/ not supported by the Manager: HCM,
  3. recommendations for MM's approval should be made by the Executive Manager: Corporate Support Services,
  4. the Municipal Manager can independently determine the availability of the budget for the said position(s);
  5. Approval of the recommendations for appointment can only be made by the MM before an offer is made to the successful candidate.
19. The appointment report and a PR13 shall specify the following;
  1. position the candidate is being recommended for;
  2. the level of the position;
  3. previous position occupied (if internal); and
  4. the recommended salary.
20. The appointment of Municipal Manager and Chief Financial Officer shall be authorized by a resolution of the Council.
21. Appointments of Managers and other positions up to level 15 of the Council' staff Structure shall be authorized by the Municipal Manager or her/his nominee.
22. The appointment shall be subject to a medical report by a Medical Practitioner if the functions of the relevant position so requires.
23. Any job offer that is not in line with salary level indicated in the approved organizational structure and advert shall be deemed null and void.
24. The recruitment and placement of the Political Offices bearers shall be done through the Human Capital Management division with the participation and involvement of executive manager in the political office or his delegate from short-listing and interviewing.
25. The advert and shortlisting will be informed by an approved job description.
26. The Municipality shall verify all documents submitted by the prospective employee through accredited institutions such as South African Qualification Authority (SAQA), National Intelligence Agency (NIA) and the South African Police Services before an offer is made.
27. Should any of the information found to be false and/ or fraudulent, the appointment will be deemed null and void.
28. An employee shall be appointment on the commencing notch of the salary scale unless otherwise decided by the Municipal Manager in terms of his delegate responsibilities.

29. When an internal employee is appointed in a higher position, his/ her salary shall be adjusted to at least a notch above his/ her current salary and the date on which he is promoted shall be deemed to be the new incremental date.
30. Candidates recommended for appointment shall be presented with a letter of appointment with the following:
- i. Full name and address of the appointee.
  - ii. Job title of the appointee;
  - iii. a brief description of the job and key performance areas.
  - iv. The first working day of the appointee.
  - v. The employee's normal hours of work and days of work.
  - vi. The employee's salary or rate of pay (Note: the remuneration of candidate that is recommended shall be done in line with the approved Bargaining Council's grading or remuneration structure).
  - vii. Other benefits the appointee may be entitled to.
  - viii. In the event where an appointee is currently earning a salary that is higher or equal than the salary being offered, an approval by the Municipal Manager must be granted for such an employee to be remunerated higher.
  - ix. It must be on the same salary band where the position is graded, subject to the appointee/ employee submitted proof of current salary.
  - x. How frequently the remuneration will be paid.
  - xi. Any deductions to be made.
  - xii. The leave which the employee is entitled to.
  - xiii. The period of notice required when terminating employment and if employment is for specific period, the date on which employment will be terminated.
  - xiv. Any other term of condition of employment agreed to by mutual consent and which is not less favorable to the requirements of the Basic Conditions of Employment.
  - xv. Probation period as stipulated in the Probation policy.
  - xvi. The candidate may not be shortlisted for another position, transferred, seconded nor promoted during the Six Months' Probation period and six months after the probation period has ended.

**(p) Selection Testing/ Assessment**

17. Medical testing shall be used for the following:
1. To assist the Councils' common law and statutory duties in terms of the Occupational and Health and Safety Act (Act 85 of 1993 to provide a safe working environment to its employees).
  2. To determine whether the candidates has the physical ability to perform functions of the relevant position.
  3. The results of the medical examination shall be kept confidential, and may only be made available by the Section: Human Capital Management with the consent of the individual involved.
  4. Although medical examinations for the purpose of pension and medical fund membership may be done at the same time as the above, it should be treated separately.

5. The offer of employment shall be considered as a tentative offer of employment subject to the outcome of the medical examination in cases where there is a need. Such conditions shall be contained in the letter of appointment.

18. Selection Testing/ Assessment Principles

1. Medical testing of an employee is permissible only when legislation requires testing or when it's justifiable.
2. HIV/ Aids testing is prohibited unless such testing is determined to be justifiable by the Labour Court;
3. However; learning potential assessment and competency assessments are permissible if the assessment being used:
  - a. Can be shown to be reliable and valid;
  - b. Is not biased against any employee or group
4. An applicant shall, when applying for appointment subject himself/ herself to the following:
  - a. screening/ assessment techniques determined by the Municipality and endorsed by the relevant legal authority;
  - b. All selection tools which shall be applied consistently on all applicants for a particular position.
5. The assessment criteria should be directly related to the job and any considerations on the basis of evidence that may lead to unfair discrimination should be excluded.

**(q) Informing the successful and unsuccessful applicants**

- i. Successful applicants shall be informed telephonically of their appointments as soon as the report is approved.
- ii. Unsuccessful interviewed candidates shall be informed of the results of the interview in writing, after the preferred candidate has accepted the offer in writing.

**(r) Acceptance of employment offer**

- i. All successful candidates made an offer of employment must accept the offer in writing within seven (7) working days.
- ii. An acceptance of the appointment shall mean that the appointee accept the total offer of employment made, including the remuneration and employment conditions.

**(s) Grievances and Disputes**

In the case of a grievance or dispute with regard to recruitment and selection the following routes should be followed:

17. Internal applicants should lodge a grievance in terms of the Council's grievance procedure;
18. In the case where this procedure has been exhausted, the relevant dispute resolution mechanisms stipulated by the Labour Relations Act must be followed;
19. External applicants are entitled to lodge a dispute in terms of the relevant dispute resolution mechanisms of the Labour Relations Act;

**20.** Should a dispute arise during the interviews or selection processes, the following steps shall be followed during an objection:

- 1.** Three (3) working days to lodge an objection (through a normal way to lodge a dispute);
- 2.** the MM/ EM: CSS should be empowered to sit for the objection within 7 days MM may appoint a committee that will look into a dispute within 7 days
- 3.** Give legal recourse to the affected party, about the legal process that should be followed if aggrieved or not satisfied

**(t) Persons with Disability**

- 17.** MCLM is committed to employing people with disabilities; and
- 18.** will therefore guarantee an interview to all applicants with a disability who meet the minimum short listing criteria for the role.

**(u) APPOINTMENT OF REPLACEMENT LABOUR IN THE EVENT OF A STRIKE**

- 17.** The Municipal Manager may, after consultation with the relevant Executive Manager, employ a replacement labour during a strike in terms of, and consistent with, section 76 of the Labour Relations Act (LRA).
- 18.** Every person appointed as replacement labour must receive a letter of appointment that complies with section 29 of the BCEA.
- 19.** The letter of appointment must clearly stipulate that:
  - a.** the appointment is only for the duration of the strike and that the services of the employee will terminate immediately when the regular employees of the Municipality return to work;
  - b.** termination of any replacement labour employment shall not constitute a dismissal of the person concerned and that he/she shall not be entitled to any additional remuneration or compensation in respect of the completion of such period;
  - c.** the person's employment with the Municipality will come to an automatic end on expiry of the term and such termination shall not be construed as a termination based on the Municipality's operational requirements, nor as an unfair dismissal; and

**8.22.4** Accordingly, reference in this paragraph to additional remuneration or compensation to which the person shall not be entitled, includes but is not limited to, severance pay, notice pay, retirement and medical aid fund benefits to which an employee may otherwise be entitled to in the event of a termination based on an employer's operational requirements

**(v) External Employment Agencies**

- i.** The services of external employment agencies may be utilized for recruitment purposes.
- ii.** The selection of such agencies shall however, comply with the Municipality's approved Procurement/ Supply Chain Management Policy;

- iii. The agency advertises or uses its placement database – that is a database of persons who have provided curriculum vitae to the agency which then seek employment for them.
- iv. The municipality may elect to do its own selection and Unions shall be involved in the Selection process.

**(w) NEPOTISM**

- 17. It is the policy of MCLM to seek competent applicants for positions and to further the careers of those employed regardless of whether they have close relatives already employed at the Municipality;
- 18. The basic criteria for appointment and retention are appropriate qualifications, experience and performance as set out in the policies of the Municipality;
- 19. Family relationships shall constitute neither an advantage nor a deterrent to appointment and retention at the Municipality provided the individual meets and fulfils the appropriate appointment standards;
- 20. Employment of "close relatives" is therefore limited only where necessary to provide reasonable assurance that each employee can carry out the responsibilities of his/her particular position as objectively as possible;
- 21. Subject to adherence to the following provisions hereunder, there is to be no discrimination against the employment or continued employment of any person because of his/her relationship to a member of the Municipality staff:
- 22. "Close relatives" may not be employed in positions where one will have responsibility for reviewing and approving financial/budget/purchase transactions or in recommendations and/or decision making in any matter concerning appointment, promotion, salary, retention or termination of employment of a "close relative";
- 23. No staff member may be appointed as the supervisor in respect of any "close relative".
- 24. If a situation arises to deviate from the above provisions, a detailed motivation must be submitted to the MM via the EM to consider the individual case.

**20. IMPLEMENTATION OF THE POLICY**

The implementation of the Recruitment Policy shall be effected a **day after approval by Council**.

**21. FINANCIAL IMPLICATIONS**

- 21.1 The implementation of the Recruitment Policy shall have financial implications for the Municipality.
- 21.2 Implementation of some of the provisions of Recruitment Policy shall be subject to the financial viability of the Municipality.

## **22. MONITORING AND EVALUATION OF THE POLICY**

- 22.1 Corporate Support Services department shall monitor and evaluate the implementation and compliance of the Recruitment Policy.
- 22.2 No deviation to this policy and procedure requirements is permitted.
- 22.3 Any possible breaches of the Recruitment Policy and SOP would be monitored by the R&HCA Sub-division.

## **23. POLICY REVIEW**

This policy will be reviewed regularly or on an annual basis and revised as necessary.

## **24. COMMUNICATION**

The Recruitment Policy will be communicated to all Municipal employees using the full range of communication methods available to the municipality.

## **25. COMPLIANCE**

Any contravention to this policy shall be constituted as misconduct.

## **26. PRECEDING POLICIES RESCINDED**

The previous policies in respect of this subject are RESCINDED and REPLACED with this new policy.

## **27. ANNEXURES**

- 27.1 Annexure A -Application of Employment Form
- 27.2 Annexure B= Confidentiality Form
- 27.3 Annexure C- Number of Support Staff in the Political office
- 27.4 Annexure D – Categories of misconduct and time periods that must expire before a person may be re- employed by a municipality.

## 28. SIGNATURES

Council:	Mogale City Local Municipality
Signature:	
Date Approved:	15 June 2023
Effective Date:	01 July 2023

APPROVED