



BREED VALLEY

MUNICIPALITY • MUNISIPALITEIT • UMASIPALA

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1. INTRODUCTION

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

2. PURPOSE AND OBJECTIVES

- 2.1. Arising from the need to restructure the organisation according to the functions of the municipality and to enhance 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 this agreement 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 any existing Employment Equity and Skills Development Plan and/ or the objectives of the Employment Equity Act and the Skills Development Act.

3. SCOPE AND APPLICATION

- 3.1. This policy shall apply to Breede Valley Municipality.
- 3.2. The terms of this policy and implementation guidelines shall be applicable to all permanent posts.
- 3.3. Municipal Manager and Managers directly accountable to Municipal Manager in terms of Section 56 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000 as amended) are excluded from this policy.

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.

“Appeals Authority” means the Municipal Manager but where the Municipal Manager made a decision where the placement committee could not reach consensus, the Executive Mayor, or his/her nominee, shall be the Appeal Authority.

“Employee” means any person, excluding an independent contractor, who works for the Breede Valley Municipality and who receives, or is entitled to receive any remuneration.

“Employer” means the Council of the Breede Valley Municipality.

“First In, First Opportunity (FIFO)” means that an employee with longest service in the job category will be selected for placement.

“Full-time employee” means someone who is in the employ of the Municipality and who is working forty (40) ordinary hours per week.

“Labour Organisations” means Breede Valley Municipality recognised Unions.

“Municipality” means the Breede Valley Municipality.

“Part-time employee” means someone who is in the employ of the Municipality and who is working less than forty (40) hours ordinary per week.

"Permanent Employee" means an employee, excluding a contract employee and a temporary employee, occupying a post on the approved staff establishment of the Council in a permanent capacity, whether full-time or part-time, and includes an apprentice and a person appointed in such post for a probationary period.

"Staff establishment" means the approved posts created for the normal and regular requirements of the Breede Valley Municipality.

"Temporary Employee" means an employee appointed to a post on the approved staff establishment of the Council in a temporary capacity, whether full-time or part-time, for a continuous period not exceeding twelve (12) months.

“Workplace” refers to the place of work as contemplated in the Labour Relations Act, 1995 (Act No. 66 of 1995).

5. LEGAL FRAMEWORK

This policy and its application are 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. Labour Relations Act, 1995 (Act No. 66 of 1995).
- 5.4. Skills Development Act, 1998 (Act No. 97 of 1998).
- 5.5. Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).
- 5.6. Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997).
- 5.7. Occupational Health and Safety Act, 1993 (Act No. 58 of 1993)
- 5.8. All relevant Collective Agreements.

6. PLACEMENT OF PERSONNEL: CRITERIA

6.1. The following criteria will be applied:

6.1.1. The Municipality shall attempt to place all permanent employees into posts created in the approved new structure.

6.1.2. 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 affected employees are willing to accept alternative positions that are offered. In this regard, every effort will be made to ensure that such alternative offers are reasonable.

6.1.3. In placing employees in the new or reviewed 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 employee 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 general worker to a general worker. 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.

6.1.4. This close match principle shall apply to unchanged, minor changed and major changed posts.

6.1.5. Where more than one employee can be close matched to a post and there are more employees than there are posts, then selection will be on the basis of first in, “first opportunity” (FIFO).

6.1.6. Employees shall not be moved from one geographical location to another without the function which the employee is performing necessitating such movement.

6.1.7. When placed in a post such placement shall be final and constitute a permanent position.

6.1.8. Employees that cannot be placed in any of the categories of posts or are not offered an alternative post or did not accept the alternative offer which was made, must be placed in a pool of the transferred employees.

6.1.9. Employees which are in the pool that did not accept alternative post, the Council must then consider to empty the pool in terms of the section 189 of Labour Relations Act.

7. PLACEMENT COMMITTEE

7.1. Placement of employees shall be considered by a Placement Committee consisting of:

7.1.1. All the Directors or their secondees.

7.1.2. Director of the relevant Directorate;

7.1.3. Human Resources Manager; and

7.1.4. Relevant Line Manager.

No other observers than those specified in paragraph 7.3 underneath, will attend meetings of the placement committee except for as permitted in terms of this policy.

7.2. The Placement Committee will have the following terms of reference:

7.2.1. To consider and reach consensus regarding the placement of permanent employees into posts in the new structure.

7.2.2. To strive in reaching consensus on the staff placement. Where consensus cannot be reached the matter should be referred to an Appeals Authority.

7.3. Placement Committee Observers:

7.3.1. One Union representative of each Union and the Portfolio Councilor may attend all Placement Committee meetings as observers.

7.3.2. The Union representatives and Portfolio Councilor are there to monitor and ensure that the Placement Committee adheres to all stipulations as mutually agreed upon in this procedure;

7.4. The role of the members of the Placement Committee will be as follows:

7.4.1. The members shall attend all Placement Committee meetings;

7.4.2. The members shall do all preparatory work for the meeting and supply to the secretariat any comments that they have prior to the meeting; and

7.4.3. The members will ensure that the provisions of the policy are applied consistently.

7.5. The role of the Human Resources Department

7.5.1. Will arrange placement meetings.

7.5.2. Shall provide secretariat duties to the Placement Committee.

7.5.3. Will Communicate relevant placement decisions to the employees concerned via the Office of the Municipal Manager.

7.5.4. Will prepare relevant reports.

7.5.5. Will keep records.

7.6. Functions of the Committee:

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

7.5.1.Ensuring the proper placement of employees into the new or revised Council approved organisational structure in accordance with this procedure.

7.5.2.Ensuring the placement process is finalised.

7.5.3.Considering submissions made by the Departmental Head/Human Resources for the placement of employees into the new structures.

7.5.4.To consider and endeavor to reach consensus regarding the placement of all existing employees into posts in the new or revised Council approved organisational structure, in accordance with the provisions of the policy.

7.5.5.Where consensus cannot be reached on staff placement, the Municipal Manager as the custodian of the organisational structure and head of the administration will be the decision maker.

8. NOTIFICATION OF DECISIONS

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

9. PLACEMENT PROCEDURE

9.1. The placement will take place as follows:

9.1.1.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 and New posts.

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

9.1.1.1. Unchanged posts

- a. These are posts that have had no change to their scheduled duties or geographical location.
- b. The relevant Directorate, in consultation with the Human Resources Department, will be required to list these posts with the names and personnel numbers of the present incumbents and submit it to the Placement Committee for confirmation.

9.1.1.2. Minor changed posts

- a. These are posts involving minor changes to the duty schedule, which has no material effect on the level of responsibility.
- b. The relevant Directorate, in consultation with Human Resources Department, need to submit the names and personnel numbers of the present incumbents and submit it to the Placement Committee for confirmation.

9.1.1.3. 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 should be submitted by the relevant Directorate, in consultation with the Human Resources Department, 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.
- c. If a major changed post cannot be filled on a close match basis, it shall be advertised and filled in terms of the recruitment policy of the municipality.

9.1.1.4. New Posts

These are posts, which carry duties and responsibilities that did not exist in any form in the previous structure but are listed on the present structure.

10. OBJECTIONS / APPEAL PROCESS

- 10.1. Every individual employee and/or trade union on behalf of their members shall have the right to lodge an appeal or submit an objection regarding a placement or non-placement to the Appeal Authority. The Municipal Manager shall be the Appeal Authority, except in terms of clause 7.5.5, where the Municipal Manager made a decision where the placement committee could not reach consensus. In this instance, the Executive Mayor, or his/her nominee, shall be the Appeal Authority.
- 10.2. Such objection or an appeal must be submitted to the Appeal Authority within ten (10) working days of date of receipt of a decision by an individual employee.
- 10.3. The Appeal Authority, either the Municipal Manager or the Executive Mayor, may request an expert or technical advisor to assist with the objection or appeal and may also request the assistance of a nominated representative, being internally or externally sourced.
- 10.4. The Appeal Authority must consider an objection or appeal within ten (10) working days from submission thereof. The outcome of the objection or appeal must be in writing and communicated to the affected employee or his/her union representative.
- 10.5. Should the affected employee not be satisfied with the outcome of an objection or an appeal, a dispute can be lodged, and the matter referred for arbitration.

11. CONDITIONS OF SERVICE

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

12. 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.

13. AMENDMENTS

The Council may, from time to time, amend this policy and introduce any measure(s) to ensure efficient, economic, and effective management of Council resources.

14. EFFECTIVE DATE

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