

PLACEMENT POLICY

Policy Governance

Policy Title	PLACEMENT POLICY	
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	<ul style="list-style-type: none"> Government Gazette Act No, 40167 of the 29 July 2016. Any relevant legislation. 	
Policy Review "Triggers"	CHALLENGES	
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Document Approval

This document has been approved for use by Council as per the process outlined below:	
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TABLE OF CONTENT

1. Preamble
2. Objection
3. Definition
4. Scope of Application
5. Legislative Framework
6. Guiding Principles
7. Organogram
8. Placement
 - 8.1 Empty the Pool
 - 8.2 Close Match Placement
 - 8.3 Additional Factor
 - 8.4 Placement Committee
9. Placement Procedure
 - 9.1 Unchanged posts
 - 9.2 minor changed posts
 - 9.3 minor changed posts
 - 9.4 New Posts
10. Publication of Decision
11. Dispute or Objection Process
12. Staff Placement Pool
13. Duration of the Placement Process
14. Condition of Services
15. Geographical Relocation
16. Commence of the Policy
17. Interpretation of the Policy
18. Compliance and Enforcement
19. Upkeep of this policy.

1. **PREAMBLE**

- 1.1 Based on the need to regularly evaluate the staff establishment and, if necessary, review the staff establishment and the remuneration and conditions of service as stipulated by Section 66(1)(d) of the Municipal Systems Act No. 32 of 2000 and guided by the Municipal Systems Amendment Act No.7 of 2011, the re-organisation of the existing staff establishment will be necessary to meet operational objectives to service delivery.
- 1.2 The municipality acknowledges that in the placement of staff, the staff establishment must be broadly representative of the racial and gender demographics of the municipality, with employment and human resources management practices based on potential, ability, objectivity, fairness and the need to redress the imbalances of the past to achieve broad representation.
- 1.3 The employer shall submit the proposed organogram for the municipality to the Local Labour Forum for consultation and/or negotiation.
- 1.4 The IDP and other related legislation shall inform the organogram and the principle of “structure follows strategy” shall apply.
- 1.5 This Placement Policy shall prevail to address changes in the approved staff establishment to expedite institutional stability and, until such time as the proposed organogram has been finalised, the temporary placement of staff may be necessary subject to the final placement by the Staff Placement Committee. Such interim placement will not prejudice the employee in his/ her final placement.

2. **OBJECTIVES**

- 2.1 The objectives of this Placement Policy are to:
 - 2.1.1 provide a mechanism for application of a zero-based approach in the placement of employees in the adopted staff establishment;
 - 2.1.2 provide measures for a fair and just placement process for surplus and/or displaced employees;
 - 2.1.3 provide a procedure for expediting placement of surplus and/or displaced employees.

3. **DEFINITIONS**

“employer” means the Rustenburg Local Municipality established in terms of section 12 of the Local Government Municipal Structures Act, 1998, (No 17 of 1998);

“employee” means the person that has been appointed on a fulltime basis by the Municipal Manager of the Rustenburg Local Municipality in terms of the powers vested in him/her in terms of section 55(e) of the Local Government Municipal Systems Act, 2000 (No 32 of 2000);

“parties” means the employer and employee as defined;

“organisational structure/ organogram” means the approved staff establishment of the Rustenburg Local Municipality reflecting all the directorates and positions.

“employee placement” means a process of allocating employed individuals to certain jobs that match their skills and abilities.

4. SCOPE OF APPLICATION

4.1 This Placement Policy shall apply to:

4.1.1 Individuals who are defined as employees of Rustenburg Local Municipality in terms of the Basic Conditions of Employment Act No. 75 of 1997.

4.1.2 All formally established posts in the Rustenburg Local Municipality.

4.2 This Placement Policy shall not apply to:

4.2.1 Casual employees ,temporary employees, part-time employees, seasonal employees, Job learners, experiential trainees and/or interns.

5. LEGISLATIVE FRAMEWORK

- Basic Conditions of Employment Act 75 of 1997 updated 2005 (BCEA)
- Labour Relations Act 66 of 1995
- Employment Equity Act 55 of 1998
- Skills Development Act 66 of 1998
- Municipal Finance Management Act 56 of 2003 (MFMA)
- SALGBC Main Collective Agreement
- SALGBC Collective Agreement on Conditions of Service for the North West Division
- Municipal systems Act 32 of 2000
- All applicable legislations

6. GUIDING PRINCIPLES

6.1 The placement of staff shall not:

6.1.1 Disrupt the effective and efficient delivery of service;

6.1.2 Be used as a punitive measure against employees; and

6.1.3 Be used to promote or demote employees.

6.2 Employees will be placed in the new staff establishment on a permanent and contract basis.

6.3 Where employees are on contract prior to placement, the duration of such contract shall not be varied as a result of the placement.

6.4 The principle of “people follow functions” will apply and, accordingly, employees will not be moved from one geographic location to another location without the function which the employee is performing necessitating such movement.

- 6.5 Every endeavour shall be made to place the existing employees into the posts in the new staff establishment.
- 6.6 Every endeavour will be made to ensure that retrenchment/ redundancy does not occur during this process, provided that affected employees are willing to accept alternative positions that may be offered. Every effort will be made to ensure that any such alternative positions offered are reasonable.
- 6.7 The process of developing job descriptions or workplans, where applicable, will be guided by the National Collective Agreement on TASK Job Evaluation for the Local Government Sector or any other established internal processes applicable to Rustenburg Local Municipality.

7. ORGANOGRAMS

- 7.1 The Municipal Manager shall prepare and submit an organogram of all the directorates of Council which will be consulted with the Local Labour Forum and upon agreement be submitted to Council for approval. Any additional changes or deviation from the agreed organisational structure are first to be consulted with organised labour at the Local Labour Forum.
- 7.2 The Integrated Development Plan of the Municipality informs the organogram.
- 7.3 The principle of structure follows strategy applies.
- 7.4 The placement can only take place in terms of the new organizational structure

8. PLACEMENT

8.1 Empty the pool first

- 8.1.1 Every attempt shall be made to place the existing employees into the post that are on the new structure. If no placement in terms of the agreed criteria can be made, the employer will advertise such post and fill such post, according to the current Recruitment Policy.
- 8.1.2 Vacant posts, or posts that no employee is eligible for placement in, will be advertised in line with the current Recruitment Policy.
- 8.1.3 Council is committed to ensure continuity of employment and every attempt will therefore be made to ensure that no retrenchments/ 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.

8.2 Close match placement

- 8.2.1 Employees are to be placed in the new structures on a close match basis.

- 8.2.2 In close matching a post, the job description of the post is compared to the existing job description of the employee.
- 8.2.3 The employee having the closest match in respect of the job description is then the successful employee to be placed, e.g. a typist will be close matched to a typist post, a generalist worker to a generalist worker etc.
- 8.2.4 Where the close match cannot be done one hundred percent (100%) the match must be done on the most matched job description. The focus should be the crux of the job, e.g. accountant job description will be matched to a post that contains the most stipulations reflecting accounting duties.
- 8.2.5 The close matches are done on job description and not job/post designation.
- 8.2.6 The salary of an employee is not taken into account during placement. Salary determination and the equalization thereof are addressed through the job description and TASK grading.

8.3 **Additional factors**

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

- 8.3.1 The provision of the Employment Equity Act, competency and skill levels will be taken into account for placement and preference to the placement of designated persons.
- 8.3.2 The criteria of Employment Equity, competency and skill levels will be equally weighed for the purpose of placing equally matched candidates.
- 8.3.3 The criteria and the weight to be attached to each post will be consistently applied throughout the organization for the duration of the placement process.
- 8.3.4 Equity candidates will receive preference where they are equally matched with a non-equity candidate.
- 8.3.5 Interviews in-line with the recruitment policy will be held as part of the selection process.

8.4 **Placement committee**

- 8.4.1 A Placement Committee shall be established consisting of equal number of Labour and Employer representatives.
- 8.4.2 The term of office of the Placement Committee shall expire on placement of all employees on the adopted staff establishment and of escalation of contested placement decisions to the Municipal Manager.

8.4.2.1 The Committee shall comprise of ten (10) members – 5 employer representatives and labour representatives made up of two (2) representatives from IMATU and three(3) representatives from SAMWU based on proportional representatives. The alternates will only attend in the absence of the principal representatives.

8.4.2.2 All the placement meetings or interviews will be chaired by the employer.

8.4.2.3 The Employer component shall be inclusive of the Administration and exclusive of Councillors.

8.4.2.4 The Human Resource Unit will provide advisory and secretariat support services to the Placement Committee.

8.4.2.5 The Placement Committee shall have the following terms of reference:

- To consider and endeavour to reach consensus regarding the placement of existing employees into posts in the new staff establishment, in accordance with the provisions of the Placement Policy.
- Where consensus cannot be reached on staff placement by the Placement Committee the matter shall be referred to the Municipal Manager whose decision shall be final and binding to the Committee.
- The Placement Committee shall be constituted subsequent to adoption of the new staff establishment by Council and shall conclude placement process including of all surplus or displaced staff within a period of twelve (12) months.

9. PLACEMENT PROCEDURE

The placement committee will classify the posts in the structure in the following four (4) categories: (i) Unchanged posts; (ii) Minor changed posts; (iii) Major changed posts; and (iv) New posts.

Placement in terms of these categories shall take place in the following manner:

9.1 Unchanged posts

9.1.1 These are posts that have had no change to their scheduled duties or geographical location

9.1.2 The directorates will be required to merely list these posts with the names and other forms of identification used, of the present incumbents, to the Placement Committee for confirmation.

9.2 Minor changed posts

9.2.1 These are posts involving minor changes to the duty schedule, which has no material effect on the level of responsibility.

9.2.2 The Director needs to submit the names and other form of identification used of the present incumbents, to the Placement Committee for confirmation.

9.3 Major changed posts

9.3.1 These are posts which have undergone a major change to their duties and responsibilities. This will necessitate that the post be re-evaluated.

9.3.2 Where no placement in such a post can take place or where the employee, to whom the post was offered, as an alternative, refuses to accept such placement. The post will be

advertised in terms of the current Recruitment Policy and the termination process will be followed.

9.4 New posts

9.4.1 New posts are posts, where duties and responsibilities have not previously existed in the structure, or newly created posts.

9.4.2 New posts with the detailed duty schedules must be submitted for evaluation.

9.4.3 Where uncertainty exists as to whether a post has become a new post as a result of the restructuring, consultation shall take place between the union and the employer to determine the status of such post.

10. PUBLICATION OF DECISIONS

10.1 All decisions of the Placement Committee shall be communicated to employees by means of a circular by the Municipal Manager immediately after the decision of the placement committee has been made.

10.2 All employees will be notified in writing by way of a personalised letter of the post into which the Committee has confirmed their placement.

11. DISPUTE OR OBJECTION PROCESS

11.1 Employees or trade unions acting on behalf of employees, have the right to lodge grievances against their placement and must identify the post and specify the post I.D. number into which they should have been placed in terms of this policy. It must be noted that should an employee lodge a grievance against his/ her placement, the affected placement will be suspended and will be subject to the grievance process as set out hereunder.

11.2 Any such grievance must be lodged within 10 working days of receipt of placement letter. Placement against which no grievances have been lodged within the 10 working days period will be deemed to be final.

11.3 Should a grievance be lodged arising out of the placement of any employee/s, a meeting shall be convened within 5 working days between the employee/s, management and the Staff Placement Committee. All relevant information requested will be made available.

11.4 Should the parties reach agreement the proposed placement/s will be implemented.

11.5 Should the parties disagree and should the matter not be resolved within a period of 10 working days to whether the proposed placement is reasonable and should the aggrieved wish to pursue the matter further, the aggrieved shall be required to refer the matter to the Municipal Manager within 7 working days from the date of the last meeting.

11.6 Should the aggrieved party contest the decision of the Municipal Manager, the matter may be referred to arbitration in terms of the agreed procedures.

11.7 The terms of reference of the arbitrator will be to determine whether the placement against which a grievance has been lodged is reasonable or unreasonable.

11.8 Should the arbitrator rule that the placement proposal is reasonable, the employee/s concerned shall be obliged to accept the placement subject to there being no appeal, the employees concerned shall be construed as accepting the ruling of the arbitrator and shall be placed. Failure to perform duties in the placed post, shall result in disciplinary process being initiated by the Employer.

11.9 Should the arbitrator rule that the placement proposal is unreasonable, he/ she will be entitled to make a determination having heard representations from the following parties:

11.9.1 The aggrieved employee and his/ her union representative;

11.9.2 The employer representative; and

11.9.3 The employee who has been placed into the post in dispute (if post is not vacant) and his/ her union representative.

12. STAFF PLACEMENT POOL

12.1 A Staff Placement Pool will be created to accommodate surplus and displaced employees.

12.2 The employer should do skills profiling before a placement takes place.

12.3 The employee will be placed in the Staff Placement Pool for a period not exceeding twelve (12) months. During this period the employer shall be required to consider alternative placement for the employees who would, in addition be expected to:

12.3.1 Identify alternative funded posts to which placement would be acceptable in terms of this policy. The Employer will canvass the feasibility thereof on the employee's behalf;

13. DURATION OF THE PLACEMENT PROCESS

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

14. CONDITIONS OF SERVICE

14.1 Employees shall retain all their current conditions of employment following placement into the new staff establishment until common conditions of employment have been agreed in the Bargaining Council, subject to the need to rationalise particular employment conditions or practices, where necessitated by operational requirement, through a process of negotiation and/or consultation, as required e.g. hours of duty, shift times, standby arrangements etc.

15. GEOGRAPHICAL RELOCATION

15.1 Geographical re-deployment of staff will only take place for the following sound operating and/or economical reasons including:

15.1.1 The functions of the post/s are to be delivered in another geographical area;

- 15.1.2 The functions of the post/s may be reduced and/ or combined resulting in a necessity to rationalise resources; and
- 15.1.3 The function of the post may be abolished in that particular geographical area
- 15.2 Where it is necessary to geographically re-assign only part of a unit/ directorate, the selection of employees for reassignment in each of the affected job categories will be done in terms of the following criteria:
 - 15.2.1 Call for volunteers from employees within each job category;
 - 15.2.2 Should too many affected employees volunteer to be redeployed, then selection will be done on the basis of “first in, first opportunity” (FIFO)
 - 15.2.3 Should too few affected employees volunteer to be redeployed, then selection will be done on the basis of “last in, first out” (LIFO), i.e. the employees with the shortest service in the job category concerned will be selected for redeployment.

16. COMMENCEMENT OF THE POLICY

- 16.1 This policy will come into effect on the date of adoption by the Council.

17. INTERPRETATION OF THE POLICY

- 17.1 All words contained in this policy shall have an ordinary meaning attached thereto, unless the definition or context indicates otherwise.
- 17.2 Any dispute on interpretation of this policy shall be declared in writing by any party concerned.
- 17.3 The Municipal Manager shall give a final interpretation of this policy in the form of a written response.
- 17.4 If the party concerned is not satisfied with the interpretation, a dispute may then be pursued with the South African Local Government Bargaining Council/ or Arbitration.

18. COMPLIANCE AND ENFORCEMENT

- 18.1 Violation of or non-compliance with this policy will give a just cause for disciplinary steps to be taken.
- 18.2 It will be the responsibility of all Supervisors, Managers, Directors and Council to enforce compliance with this policy.

19. UPKEEP OF THIS POLICY

The Office of the Director Corporate Support Services shall be responsible for the upkeep of this Policy.

Signed by the Parties and witnesses on the following date and place:

Date..... **Place**.....

A. Municipal Manager

B. SAMWU Chairperson

C. IMATU Chairperson

D. Witness (1)

E. Witness (2)