



JOE MOROLONG
LOCAL MUNICIPALITY

PLACEMENT POLICY

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1. PREAMBLE

The Joe Morolong Local Municipality was established in 2001 as a new municipality in terms of the Local Government Municipal Structures Act, Act 117 of 1998. Placement Policy and principles guide the placement of employees into the new organizational structure that seeks to steer the Municipality towards achieving its strategic objectives determined and adopted by the municipality at any given time.

Following the completion of the new organizational design, emphasis will be placed on ensuring that the organizational structure of the municipality delivers optimum services to the community and fulfils the vision of Joe Morolong Local Municipality for equitable and sustainable services delivery. The creation of the new organizational structure will invariably affect employees in some or other way.

For many employees, these changes may be negligible; a change in reporting line for example, may not affect the nature of the work done by the employee, the hours worked by that employee, or any other change to a term or condition of employment for that employee. It is also possible that there may be real changes for certain employees who may be required to move to a substantially different position with different terms of employment. In doing so it is critical that there is a proper consultation and protection of employee's rights.

2. LEGAL FRAMEWORK

2.1 BCEA

2.2 LRA

2.3 EEA

2.4 SDA

2.5 MFMA

2.6 SALGBC Main Collective Agreement

2.7 SALGBC Provincial Agreement

3. SCOPE

- Placement must be consistent with the applicable Labour Legislation
- Placement must not disrupt effective and efficient service delivery
- Placement must not be used a punitive measure against employees
- Placement must not be used to promote/demote employees
- Job Evaluation of all changed new posts will determine new T- Level

4. OBJECTIVES

The objectives of the process should be as follows:

- To ensure unbroken and orderly service delivery by the administrative units within Joe Morolong Local Municipality until the population of the new organizational structure.
- To develop a fair procedure that minimizes claims and disputes.
- To adhere to the internal grievance mechanism that can promptly deal with objections that may arise in the process without detracting from the Bargaining Council Procedures.
- To involve trade unions and employees in the high level organizational design process and the approach to population of the new organizational structure. The purpose of this will be to alleviate fears and uncertainties and generally encourage constructive participation in the process.
- To communicate the process to employees and their representatives.
- To develop a process that minimizes the redundancy claims by employees.
- To lay the basis for the implementation of skills development and employment equity objectives.
- To develop a process that facilitates a smooth transition to the new Joe Morolong Local Municipality organizational structure, that can take place in a reasonable period of time, and within any legislative time constraints.

5. PRINCIPLES FOR THE POPULATION OF NEWLY DESIGNED ORGANISATIONAL STRUCTURES

- Job security and skills retention are priorities.
- Employment Equity is a priority.
- IDP must inform the organogram
- Unbroken service delivery.

- The procedure should encourage a high level of employee involvement and promote employee and trade union participation.
- The parties will engage with each other in good faith with the intention of agreeing on a population process based on the principles mentioned in this document.
- The principle that functions follow structure and staff follows functions based on validated job content applies.
- Incumbents in acting positions have no automatic right to permanent placement within those positions.
- Transparency in terms of the decision-making process as well as implementation should underpin the process.
- Sufficient and adequate resources should be allocated to ensure efficient application of the procedure.
- Efficient resolution of objections.
- The procedure will adhere to the principle of fairness.
- Placement must take place in terms of the new organogram and the principle should be that the organogram should follow the strategy.

6. PLACEMENT

6.1 PLACEMENT CRITERIA

The parties agree to the following:

- Joe Morolong Local Municipality shall endeavor to place existing employees in terms of Section 197 of the Labour Relations Act into posts created in the new organizational structure.
- Joe Morolong Local Municipality are committed to ensure continuity of employment practices and every attempt will 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. Any refusal of a reasonable offer will lead to an employee to forfeit the offer.
- In placing employees in the new structure employees shall be placed on a close match basis. In close matching a post, the job content of the “new” post must be compared

with the existing job content of the employees. The employees having the closest match in respect of the job content is then the successful employee to be placed e.g a typist will be closed matched to a typist, a labourer to a labourer.

- All appointments that result from direct or selective placement and that entails contractual changes, will be effected through a reasonable offer of employment in that post or position in Joe Morolong Local Municipality's new organizational structure and acceptance by the employee concerned.
- Priorities, levels of work and supporting salary structures(scales) should also be finalized prior to population of the new structure.
- Employees will be informed about the outcome of placement into the new organizational structure. Once all employees have been informed and are aware of the positions they will occupy within the different levels in the new organizational structure, the different levels in the new and improved structure will be populated.

6.2 ISSUES OF POPULATION OF THE NEW STRUCTURES

- An employee that cannot be placed in the new organizational structure is considered to be displaced and will be dealt with in terms of the applicable labour laws.
- Those positions in the new organizational structure that have a materially different job content and responsibility will be advertised and appointments to those positions will be done in accordance with the normal Personnel Procurement Policy.
- All posts of the same level or higher, with more than one qualifying candidate, will be filled in accordance with objective criteria based on operational requirements, the principles embodied in this document and the Personnel Procurement Policy.
- The Municipality will submit all proposals for placement to the placement policy that will ensure that such placements comply with the principles in this policy.
- Employees must be notified in writing of their offer of placement. The notice must advise the employee of the right to lodge a grievance against the offer of placement within seven working days of the date of the notification/publication. The grievance hearing must be held within five working days from the date the grievance was lodged.
- An employee who is aggrieved by a placement decision in respect of which the employee has a material interest may apply in writing to the Placement Committee,

for a review of the decision. The employee should state his/her reasons for the grievance.

6.3 PLACEMENT COMMITTEE

- Municipal Manager
- Director Corporate Services
- Manager: Legal Services and Transversal Issues
- 1 Representative from IMATU
- 2 Representatives from SAMWU

6.4 SECRETARIAT OF PLACEMENT COMMITTEE

- The Manager: Human Resources will serve as secretary of the placement committee.

4.5 CLASSIFICATION OF POSTS

The placement committee will classify the posts in the structure into the following categories;

- Candidates that are on permanent employment.
- Candidates that are on contract employment linked to term of other officials or political office bearers.
- Candidates that are on contract employment to vacant posts.
- Candidates that are on permanent employment and acting in vacant positions.

7. OBJECTIONS

- A Grievance Procedure is attached as annexure "A".
- A Grievance Procedure deals with grievance from employees aggrieved at a decision regarding the placement or failure to place an employee in the new organizational structure of Joe Morolong Local Municipality.
- The Placement Committee will deal with placement grievances and will be the custodian of the principles set out in the policy, to oversee the process and eliminate unfairness.

8. DISPLACED EMPLOYEES

- If an employee is not appointed in the new organizational structure through the placement process, that employee may be offered a different position which must be created in the organizational structure.
- The new post must be a reasonable alternative to the post that the employee occupies.

- If the employee is not offered a reasonable alternative post or refuses to accept an offer of a reasonable alternative post the employee becomes displaced and shall be dealt with through applicable labour law.
- An employee is regarded as displaced when his/her identified post becomes redundant and/or she/he is unsuccessful in a selective placement process and then is not deployed either because no reasonable alternative post was offered or because the reasonable alternative offer was refused.
- A displaced employee's services may still be required by the organization and can potentially be utilized elsewhere in the new organizational structure through a creation of a suitable post.
- As placement opportunities within the new structures are identified, displaced employees will be informed and assisted in taking up the opportunity presented by creation of a new suitable post. A database will be used to match such displaced employees with vacant positions on the basis of their competencies and/or potential to acquire competence within a reasonable period of time with or without re-training.

9. RELOCATION ALLOWANCES

9.1 The salaries and benefits of staff affected by placement shall be adjusted in accordance with any collective agreement concluded at the Bargaining Council.

10. GEOGRAPHICAL LOCATION

- All recommendations on placements are to indicate whether geographical relocation of staff will be required.
- Geographical re-deployment of staff will only take place for the following operating and/or economic reasons:
 - ✚ The functions of the post/s are to be delivered in another geographical area.
 - ✚ The functions of the post/s may be reduced and/or combined resulting in a necessity to rationalize resources.
 - ✚ The functions of the post may be abolished in that particular geographical area.
- Where it is necessary to geographically re-deploy only part of a section/department, the selection of employees for re-deployment in each of the affected job categories will be done in terms of the following criteria;
 - ✚ Call for volunteers from employees within each job category.

- ✚ Should too many affected employees volunteer to be re-deployed, then selection will have to be done on the basis of “First in – First Opportunity” (FIFO), e.g employees with the longest service in the job category concerned will be selected for re-deployment.
 - ✚ Should too few affected employees volunteer to be re-deployed, then selection will be done on the basis of Last In - First Out (LIFO), e.g employees with the shortest service in the job category concerned will be selected for re-deployment.
- In the event of equivalent vacancies subsequently being advertised at the previous geographical location within a period of twelve months from re-deployment any re-deployed employee will receive preference should he/she apply for transfer thereto.

ANNEXURE “A”

PLACEMENT GRIEVANCE PROCEDURE

1. INTRODUCTION AND PURPOSE

- The object of this Grievance Procedures is to facilitate a smooth, prompt, and fair placement of employees from the existing to the new structure in Joe Morolong Local Municipality.
- The procedure is designed to deal promptly with grievance lodged by employees who disagree with:
 - ✚ The post or position into which they have been placed in the new structure.
 - ✚ The reasonableness of changes to terms and conditions of employment as a result of such placement.
- This procedure is distinct from any other grievance or dispute resolution procedures that may be applicable to the grievant concerned. It is a separate procedure that should be exhausted before any other dispute resolution procedure or mechanism may be used.
- The Placement Committee will oversee the fair implementation of the placement and grievance process.

2. TERMS OF REFERENCE OF PLACEMENT COMMITTEE

- The Placement Committee must make a finding and/or recommendation, upholding or rejecting the grievance wholly or in part.
- The Placement Committee may condone the late referral of a grievance in good cause shown,
- The Placement Committee may secure the services of any other person(s) to carry out or assist it in carrying out any functions or duties assigned to it in terms of this procedure.
- The Placement Committee may call upon the parties concerned, and any other relevant person(s), to make oral or written representations, as it deems appropriate.
- The Placement Committee may request the provision of any further information concerning the grievance from the aggrieved person.

- The Placement Committee may deviate from this procedure where appropriate.

3. ESTABLISHMENT OF PLACEMENT COMMITTEE

MEMBERSHIP

- The Placement Committee will be comprised of six members equally divided between the Management and the Organized Labour.

CHAIRPERSON

- The Municipal Manager will be the Chairperson of the Placement Committee and will take care of all the meetings proceedings.

VOTING RIGHTS

- Members of the Placement Committee will all have equal vote.

4. LODGING A GRIEVANCE

- Grievance lodged to the Placement Committee must be in writing. The Placement Committee may decide on any other procedures to be adopted for filing of grievance, to ensure that the service is easily accessible, prompt and effective.
- The grievance must be lodged within seven working days of the aggrieved person receiving written notification of placement decision from the Placement Committee.
- The grievance hearing where applicable must be held within five working days from the date the grievance was lodged.

5. CONDONATION

- The Placement Committee may grant condonation of a late referral of a grievance provided there is good cause shown.
- The Placement Committee should take into account the following considerations in determining whether or not to allow the late lodging of the grievance:

- ✚ The degree of lateness – If the request is only few days late that should weigh in favour of condoning the lateness, and vice versa.

- ✚ The degree of fault-factors that were beyond the aggrieved's control and which caused the delay, should count in favour of granting condonation, and vice versa.
- ✚ The reasonableness of the explanation – If the explanation is improbable, that should count against condoning the delay, vice versa.
- ✚ The prejudice that others may sustain as a result of the request being granted or refused.
- ✚ The aggrieved person's prospects of succeeding in his/her grievance.

6. FINDINGS AND SETTLEMENT

- The Placement Committee must make a finding, including settlement or dismissal of the grievance.
- In making any finding in terms of this procedure, the Placement Committee must do so with reference to what is fair in all the circumstances in accordance with the Placement Policy, must observe any applicable law or authority, and must have regard to the principles of good practice relating to the nature of the grievance.
- The Placement Committee's findings must be in writing, must include a summary of the reasons for that finding, and be given to the parties.

7. FURTHER ACTION

- An aggrieved person is entitled to object to a decision of the Placement Committee and thereafter proceed with any other remedy that may be available in terms of any applicable Labour Law.

8. DURATION OF POLICY

- Policy will be valid until finalization of placement processes.