

SWELLENDAM MUNICIPALITY



RECRUITMENT, SELECTION AND APPOINTMENT OF STAFF

Approved by Council as per Item A120

Date: 30 June 2022

INTRODUCTION

- a) The recruitment and selection of staff forms part of the municipality's staff attraction strategy and its broader talent management framework.
- b) The recruitment and selection of staff should support and enable the municipality's capacity needs.
- c) Recruitment strategies should be designed to attract and retain diverse, qualified applicants, including persons with scarce skills and talent.

DETERMINATION OF RECRUITMENT NEEDS

- 1. The municipality must:
 - a) Develop a 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 mentioned in 1(a) must include timeframes for the various activities included in each recruitment and selection process.
- 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.
- 3.1 When a vacancy occurs or a new post has been created that has not been filled, the manager within whose delegated authority the post falls must:
 - a) Confirm with the manager human resources or the staff member to whom this is delegated, that the post is approved and funded;
 - b) Complete a written request and motivation to fill the vacant or new post;
 - c) Submit the written request and motivation to the relevant director for approval.
- 4. Deviation from section(1) may be granted on the following grounds:
 - a) Budget cut requiring prioritization of personnel expenditure;
 - b) Impending re-structuring exercise; and
 - c) Alternative staffing solutions are adopted.

GENERAL REQUIREMENTS FOR APPOINTMENT OF STAFF

- 5. 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, unless he or she:
 - a) Is a South African citizen, permanent resident or foreign national with a valid work permit; and
 - b) Possesses the relevant competencies, qualifications and experience, as set out in Annexure A of the Municipal Staff Regulations.

COMPETENCY REQUIREMENTS FOR STAFF

- 6. A person appointed as a staff member 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 in Annexure A of the Municipal Staff Regulations.

7. A staff member who was appointed before the Municipal Staff Regulations came into effect and who does not meet the minimum competency requirements of the relevant post as prescribed, shall be deemed to be meeting the requirements of the post. Despite the provision of the aforementioned, the municipality may place a staff member on a program to acquire the competency requirements as prescribed in order for the staff member to be eligible for career opportunities in the municipality.
8. If a staff member has not attained the competencies as prescribed in the Municipal Staff Regulations, the municipality must utilize the workplace skills plan to identify and address the staff member's competency gaps and development needs.
9. The Minister may issue a notice in the gazette determining uniform competency based assessments for specific occupational streams.
10. The municipality must subject a staff member to a competency assessment for specific occupational streams as determined by the Minister in terms of (9) above.

ADVERTISING OF VACANT POSTS

11. On approval being granted to fill a vacant post, human resources should develop a job advert for the post to be advertised within the municipality and externally, where appropriate.
12. The advertisement must at least specify:
 - 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 in Annexure A of the Municipal Staff Regulations;
 - 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/details 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.
- 12.1 The manager responsible for human resources or the staff member to whom this is delegated is responsible for simultaneously placing internal and external advertisements in the most appropriate forums or publications.
- 12.2 The period of advertisement for post levels 1-11 will be for at least 7 days and from post levels 12 and higher for a minimum of 14 days up to a maximum of 21 days.
- 12.3 All vacancy advertisements shall be made available in both Afrikaans and English.
13. The municipal manager must determine whether a recruitment agency is to be used for any specific recruitment process. The recruitment agency will undertake the process/es 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; and
- iv. List of applicants who do not meet all requirements : provided that the advertising and recruitment procedures comply with the provisions of Municipal Staff Regulations.

14. The recruitment agency listed in (13) shall not undertake the selection process.

15. An advertisement (12) may be utilized 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 within the 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;
- b) The recruitment process has been complied with.

16. The municipality may advertise any funded vacant post, as a minimum, within the municipality, but may also advertise such post:

- a) Locally; or
- b) Nationwide.

APPLICATION FOR VACANT POST

17.1 An application for a vacant post must be made on the prescribed application form.

17.2 Despite 17(1), the municipality may use an online application form that contains the exact same information as the prescribed application form.

17.3 An applicant for a post must disclose:

- a) His/her qualifications and experience;
- b) His/her contactable references;
- c) His/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 finalized, instituted against the applicant in his/her current or previous employment.

17.4 Any misrepresentation or failure to disclose material information contemplated in 17(3) and the application form, is a breach of the Code of Conduct for municipal staff as provided for in Schedule 2 of the Act.

17.5 Applications not made on the prescribed application form will render any appointment or contract entered into, between the municipality and the successful candidate invalid.

17.6 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.

17.7 The record must contain:

- a) The applicant's biographical details and contract information;
- b) The details of the post for which the applicants were applying;
- c) The applicant's qualifications; and
- d) Any other requirements outlined in the application form and advertisement.

SELECTION PANEL

- 18.1 The Municipal Manager or his/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.
- 18.2 The selection panel must comprise of at least 3, but no more than 5 members.
- 18.3 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, and may include the Director and/or Manager of the relevant department.
- 18.4 In deciding on 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.
- 18.5 A member of a selection panel must:
- a) Disclose any interest or relationship with shortlisted candidates during the shortlisting process;
 - b) Recuse him-/herself from the selection panel if:-
 - i. His/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.
 - c) Sign a declaration of confidentiality to avert the disclosure of information to unauthorized persons.
- 18.6 A union representative, as an observer, must sign a declaration of confidentiality to prevent the disclosure of information to unauthorized persons.
- 18.7 The Head of Human Resources or his/her delegate must facilitate and provide advisory services during the selection process to ensure compliance with the Municipal Staff Regulations in the recruitment and selection process.
- 18.8 A staff member delegated to provide secretarial services during the selection process may not form part of the selection panel.
- 18.9 Each panel member must disclose potential conflict to be considered by the full selection panel at the initial meeting of the panel.
- 18.10 If a conflict of interest becomes apparent **during** the selection process, the Municipal Manager or his/her delegate may take the appropriate steps to remedy the situation, which may include declaring the selection process invalid and commencing a new process.
- 18.11 If a conflict of interest becomes apparent **after** the appointment, the Municipal Manager or his/her delegate must report the matter to the relevant delegated authority which must take remedial action and, where necessary, disciplinary action.

SHORTLIST OF APPLICANTS

- 19.1 Shortlisting refers to the process of reducing the number of applicants to be considered for the vacant post.

- 19.2 A set of selection criteria must be determined and applied to ensure that the process is fair and non-discriminatory.
- 19.3 The appointed selection panel must perform the shortlisting and develop the shortlist.
- 19.4 The selection criteria must be objective, relate to the requirements of the job and the future needs of the municipality.
- 19.5 The selection panel must determine the criteria according to:
- a) The specific competencies, skills and abilities required for satisfactory performance in the job;
 - b) The key performance areas of the vacant post.
- 19.6 The supervisor and the manager responsible for human resources or the staff member to whom this is delegated, must agree shortlisting methods before they are applied, which may include the screening of the curriculum vitae, telephonic interviews, and competency-based evaluations.
- 19.7 The number of people on the shortlist should be restricted to those who show in their applications that they clearly meet the minimum requirements, which are:
- a) All the skills, knowledge, competencies and abilities in the job description that the potential candidate must possess at the time of appointment, or which the candidate would be able to acquire in a reasonable time;
 - b) All the qualifying criteria for the post.
- 19.8 the supervisor and the manager responsible for human resources or the staff member to whom this is delegated, must take into account formal qualifications, prior learning and relevant experience, or the capacity to acquire the necessary skills and competencies within a reasonable time.
- 19.9 If a large number of applicants meet the minimum selection criteria, a further shortlisting process may be required.
- 19.10 A maximum number of five (5) candidates should be shortlisted.
- 19.11 The selection panel must maintain a comprehensive record of the shortlisting process and decisions taken.

REFERENCES AND PERSONAL CREDENTIAL VERIFICATION

- 20.1 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.
- 20.2 A written report on the outcome of the reference checks and personal credential verification must be compiled and considered before the appointment is concluded.

- 20.3 Despite 21.1(a), a candidate who does not have a previous employment record may not be disqualified as a candidate for appointment to an advertised post.

INTERVIEWS

- 21.1 The manager responsible for human resources or the staff member to whom this function is designated must submit the (a) list of shortlisted candidates and (b) the results of the screening process to the selection panel within five days of the screening being completed and prior to the interviews taking place.
- 21.2 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.
- 21.3 Despite the provisions of 21.2, the municipality **must** grant observer status to each of the **recognized** 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.
- 21.4 The selection panel must interview all the shortlisted candidates. The purpose of the interview is to expand on information provided in the application, collect new information, further assess the applicant's degree of competence and assess whether the applicant matches the requirements of the job.
- 21.5 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 post.
- 21.6 During the interview, the selection panel is responsible for ensuring that:
- a) The interview is structured;
 - b) Consistent questioning techniques are used across interviews;
 - c) There is a competency-based focus on the requirements of the job;
 - d) The interview is non-discriminatory in respect of race, gender or disability.
- 21.7 During the interview, the panel must ensure that the applicant being interviewed has a reasonable opportunity to ask questions about the job and employment with the municipality.
- 21.8 The selection panel must keep a written record of the interviewed candidates.
- 21.9 After considering all the relevant information, the selection panel must recommend at most three 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.
- 21.10 If it is determined that the recruitment process has not attracted suitable candidates, the selection panel may recommend that the post be re-advertised.
- 21.11 If the post is categorized 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.
- 21.12 The recommendations of the selection panel must be determined by:
- a) Consensus;

- b) Where the panel fails to reach consensus, the matter shall be referred to the Municipal Manager or his/her delegate for mediation or resolution.
- 21.13 After the interviews are finalized, the manager responsible for human resources or the staff member to whom this function is designated , in collaboration with the chairperson of the selection panel, must prepare a written motivation detailing the following:
- a) The selection process;
 - b) The candidate screening outcomes;
 - c) The interview assessment outcomes;
 - d) The recommendations of the selection panel
- and submit the above to the Municipal Manager or his/her delegate for approval.

APPOINTMENT

- 22.1 A person may be appointed as a staff member only if he/she:
- a) Possesses the relevant competencies as prescribed in Annexure A of the Municipal Staff Regulations; and
 - b) Is not disqualified in terms of section 24 (*re-employment of dismissed staff*) .
- 22.2 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;
 - ii. The terms and conditions of employment.
- 22.3 Before making a decision to appoint, the Municipal Manager or delegate must satisfy him-/herself that the candidate meets the relevant requirements of the post as advertised in Annexure A of the Municipal Staff Regulations.
- 22.4 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.
- 22.5 An appointment may only take effect after the Municipal Manager or his/her delegate has approved the appointment in writing.
- 22.6 The human resource manager or the staff member to whom this is designated must submit an offer and letter of appointment to the approved candidate.
- 22.7 The Municipal Manager or his/her delegate must ensure that all other interviewed candidates are informed whether or not they were successful.
- 22.8 Unsuccessful candidates must, on request, be provided with reasons in writing as to why they were not successful.

APPOINTMENT OF SUPPORT STAFF TO OFFICES OF PUBLIC OFFICE BEARERS

- 23.1 A person appointed to a post on the approved staff establishment in order to support the office of a public office bearer must either be:
- a) Seconded from a post on the 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.
- 23.2 The duration of the secondment or fixed-term employment contract mentioned in 23.1, may not be longer than 30 days after the public office bearer vacates office.

RE-EMPLOYMENT OF DISMISSED STAFF

- 24.1 A person who was dismissed from a municipality for any reason stated in column B of the underneath table (*Annexure E : Municipal Staff Regulations*), **may not be** employed in any municipality before the period set out in column C of the table has expired.

Column A ITEM	Column B Category of misconduct	Column C PERIOD (YEARS)
1.	Financial misconduct contemplated in section 171 of the municipality finance management act, corruption or fraud.	10
2.	Misconduct involving elements of dishonesty or negligence.	5
3.	(a) Assault with intent to do grievous bodily harm where a staff member has been criminally charged and convicted.	5
	(b) Sexual harassment	5
4.	Colluding or acceding to an influence of any councillor not to enforce an obligation in terms of this act, any other legislation or by-law or a decision of the municipal council of the municipality, and who has been found guilty of an offence and convicted to a fine or to imprisonment for a period not exceeding one year.	5
5.	Facilitating or aiding an occupier of premises in a municipality to deny an authorised representative of the municipality or a service provider access at all reasonable times to the premises in order to read, inspect, install or repair any meter or service connection for reticulation, or to disconnect, stop or restrict the provision of any service.	5
6.	Convicted of an offence and sentenced to more than 12 months imprisonment without the option of a fine.	5
7.	(a) Used the position as a staff member or confidential information for private gain or to improperly benefit another person.	5
	(b) Disclosed of any privileged or confidential information obtained as a staff member of a municipality to an unauthorised person or persons.	5
	(c) Took a decision on behalf of the municipality concerning a matter that the senior manager's spouse, partner or business associate, has a direct benefit or private business interest.	5
8.	Being party to or beneficiary under a contract for the provision of goods and services to any municipality or any municipal entity established by a municipality.	5
9.	Soliciting or accepting directly or indirectly any gift or favour that may influence the exercise of his or her functions, the performance of his or her duties, or judgment.	5
10.	Discrimination against others on the basis of race, gender, disability, sexual orientation or others grounds prohibited by the constitution.	5
11.	Breach of the code of conduct for municipal staff as contained in schedule 2 of the municipal finance management act, other than misconduct referred to in item 1 to 10 in this table.	2

- 24.2 Despite 24.1, a person who has lodged a dispute in terms of any applicable legislation, may be appointed **subject** to the outcome of the dispute.
- 24.3 The periods set out in column C of the table 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.
- 24.4 The municipality must maintain a record of staff dismissed for misconduct and staff who resigned prior to the finalization of any disciplinary proceedings.

24.5 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; whether a dispute was referred to the bargaining council or the Labour Court; the costs incurred by the municipality; and the date of resignation or dismissal of the person.

PROMOTION

- 25.1 A staff member who is appointed in a post that is higher in salary level or job grade than the one that he/she previously occupied, is deemed to be promoted to that post.
- 25.2 A staff member who is promoted does not forfeit his/her years of service and the benefits which accrued from those years of service.

TRANSFER OF STAFF

- 26.1 The municipality may transfer any active staff member to any equivalent post in the municipality or, subject to section 197 of the Labour Relations Act, to an equivalent post in another municipality.
- 26.2 A staff member **may** only be transferred:
- a) If the staff member requests or consents, in writing, to the transfer; or
 - b) In the absence of consent, if the transfer is fair taking into consideration:
 - i. The operational requirements of the affected institutions, including whether the transfer of the staff member would address such requirements;
 - ii. Written representations from the staff member prior to the proposed transfer; and
 - iii. The extent to which the interest and circumstances of the staff member may be fairly accommodated.
- 26.3 The salary and other conditions of service of a staff member may not be adversely affected by a transfer without the written consent of that staff member.
- 26.4 A staff member may not be demoted, promoted or transferred to a position at a level which is lower or higher than the staff member's current post level.

SECONDMENT OF STAFF TO ANOTHER MUNICIPALITY

- 27.1 The municipality may second a staff member with the relevant competencies to act in a post that is vacant in another municipality.
- 27.2 The municipalities mentioned in 27.1 must conclude a written agreement regarding the secondment that specifies:
- a) The municipality responsible for the costs of the secondment;
 - b) The duration of the secondment, which may not in each case exceed a period of twelve months;
 - c) The person to whom the seconded staff member must report;

- d) The place at which the seconded staff member must work; and
- e) The new job description of the seconded staff member.

- 27.3 The salary and other conditions of service of a staff member may not be adversely affected by a transfer without the written consent of that staff member.
- 27.4 A staff member may not be demoted, promoted or transferred to a position at a level which is lower or higher than the staff member's current post level.

SECONDMENT OF OTHER GOVERNMENT EMPLOYEES TO THE MUNICIPALITY

- 28.1 The municipality may request national- or provincial government, another municipality or any state organ as the case may be, to second a person with the relevant competencies to act in a vacant post for a specified period or until such time that a suitable candidate has been appointed : provided that the relevant legislation, terms and conditions of service of that person apply.
- 28.2 The parties contemplated in 28.1 must conclude a written agreement regarding the secondment that specifies the issues set out in section 27.2.
- 28.3 The municipality must inform the MEC of any such secondment and the terms and conditions associated with the secondment.