PROMOTION, RECRUITMENT AND SELECTION POLICY AND PROCEDURES

1. PURPOSE

The purpose of this policy is to:

Provide a process, which will lead to effective, efficient, transparent employment practices and professional promotion, recruitment and selection practices.

1.1 To ensure that the promotion, recruitment and selection practices are fair and equitable, meet the requirements of the Constitution, Employment Equity and all Labour Legislation.

1.2 To ensure that the appropriate calibre of staff are recruited, placed and promoted.

1.3 To accommodate physically challenged people as well as gender equity and youth development on the staff structure where possible.

1.4 To allow all prospective and current employees a fair and equal opportunity for applying and progressing through the selection process.

1.5 To provide meaningful guidelines to all stakeholders to ensure an effective and efficient approach to recruitment and selection and to ensure that the employment process is fully transparent and inclusive.

2. GLOSSARY OF TERMS AND DEFINITIONS

Certain terms used in this document have specific meanings as indicated below:

“Black People“ - a generic term which means Africans, Coloureds and Indians.
“Designated Groups” – black people, women of all races and people with disabilities.

“Employee” – any person other than an independent contractor who –

2.1 has a contractual relationship with the Municipality and who receives, or is entitled to receive any remuneration; and

2.2 in any manner assists in carrying on or conducting the business of the employer; but excludes any person employed in terms of the Job Creation Policy

“Inherent job requirement” – the true job requirements that are genuinely necessary for the competent performance of the job including competencies in terms of any legal requirement.

“Job description” – a job description detailing the expected duties and responsibilities of a job, indicating minimum experience, expertise and skills required of the incumbent used to grade the job.

“Job specification” – a document, used in recruitment and selection, which profiles the requirements for a job, such as qualifications, skills, experience, physical and mental requirements and behaviours. It also sets out personality/behavioural dimensions required for successful fulfilment of job requirements, i.e. flexibility, ability to work under pressure, initiative and integrity.

“Selection criteria” – the job requirements on which basis a candidate will be selected, as indicated in the job specification.

“Merit” – the capacity to do the job, judged on, experience, knowledge, potential and/or demonstrated ability or qualifications. Emphasis should be on meeting the inherent requirements for the job and not necessarily appointing the highest academically qualified candidate.

“Potential” – the measure to which an applicant complies with the inherent requirements of a post by means of assessed or demonstrated ability.

Act, Employment Equity Act, Skills Development Act, Municipal Systems Act and any other act or document that has any bearing on labour relations.

"Internal Candidate" - shall mean any person who is presently employed by the Emmambithi/Ladysmith Municipality in a permanent capacity, and a limited contract worker or a fixed term contract worker.

"External Candidate" - shall mean anybody who does not comply with the definition of "internal candidate".

3. PROMOTION

PREAMBLE

Any progressive institution should make sufficient provision for the satisfactory promotion of personnel to higher positions. Opportunity for promotion to higher positions within an organisation gives personnel an opportunity to fully utilise their abilities and therefore serves as a basis for motivation.

Promotion implies "an upward change of position normally involving greater responsibility and different duties from those of the present position."

Promotion therefore means that transfer of personnel member to another position with higher grading, other title, more responsibility and higher salary.

It must be stressed that promotion is not goal in itself, but a means of placing competent and suitable personnel in high positions. An important consideration when promoting personnel is whether the choice of candidates for promotion are restricted to personnel already in the employ (i.e. a 'closed' personnel system) and whether competent candidates from outside the organisation should be considered (i.e. an open personnel system). A closed personnel system can promote the morale of the members but does not necessarily always ensure that the most effective services are rendered. A closed personnel system in fact implies that the relevant institution or organisation should provide training and development programmes
to personnel so that they may prepare themselves for higher positions. In addition, promotion should take place according to certain criteria:

Criteria for promotion

Certain criteria for promotion are essential as "It has been consistent experience that people are understanding about these closed situations as long as they trust the fairness of the promotion system - and the fairness and objectivity of their managers."

The criteria for promotion should therefore be objective and serve to assist in ensuring the right person is promoted to the right position. Criteria that may serve as a basis for deciding on the promotability of personnel include:

SENIORITY refers to age and experience. This is a relative concept unless it is specifically indicated how long an individual should hold a certain position before he/she may be promoted to a higher position.

EDUCATIONAL QUALIFICATIONS which are generally a prerequisite for a particular job. In fact, particular qualifications are essential for certain municipal functions. Meritorious personnel should therefore be offered opportunity to acquire the necessary qualifications for the higher positions.

CHARACTER which implies that personality and attitude of an employee or candidate should be assessed. This is referred within the Public Service as responsibility and human relations.

ABILITY TO DO THE WORK which is regarded as a significant criterion for promotion. This is nevertheless a difficult matter to assess. Normally work achievement in the present position is assessed, although this only supplies an indication of possible achievement in a higher position. Issues like organisation and productivity and latent potential needs to be assessed which can be used to assess whether an employee has the ability and capacity to do the job.

MERIT which is rather the end result of all the preceding criteria than a characteristic in itself. 'Merit' refers in fact to the candidate who will give the best performance in a higher position.
Duty of Managers

The primary duty of a manager is to identify, mentor and nurture those employees who exhibit a potential to work, show efficiency, display a sound work ethic and is productive in the workplace.

Provide a programme of in-service training and development by exposing the employees to a variety of work stimuli like mentorship, workshops, work orientation, proficiency training and exposure to additional challenges and work experience.

Take note of the importance of the principle of recognition of Prior Learning (RPL), and expose employees to some form of assessment and benchmark accreditation.

Encourage employees to study further through institutions of higher learning, technikons and universities and technical centres by accessing bursaries and study loans.

Motivating entry level employees and aligning them to learners programme available through the various Setas.

Informing everyone of the contents of the policy document on promotion, and committing oneself in its implementation in a fair, transparent and just manner, noting all the criteria listed above.

Duty of Employees

Employees need to understand that individuals who render exceptional service will receive exceptionally high compensation for such services. Those with little or no specialised training will, on the other hand, have to work for lower compensation.

There should be commitment to training and personnel development, and accessing the requisite benchmark qualifications for upward mobility.

Be enthusiastic and determined to succeed, be productive and loyal to the municipal environment, and display the willingness to go the extra mile in the execution of work duties.
BROAD PRINCIPLES

The promotion policy of this municipality must be aligned to the principle of dealing with redress and the inequities of the past, and should subscribe to the provisions of the Employment Equity Act, 1998.

Promotion should be seen as a mechanism to elevate employees to a higher work level through a negotiated process rather than a recognition for favour, friendship or any other issue of nepotism.

Both managers and employees need to recognise and acknowledge that this policy can provide the necessary stimulation, motivation and morale to everyone in the organisation.

4. GUIDING PRINCIPLES FOR PROMOTION, RECRUITMENT AND SELECTION PROCEDURE

The guiding principles that underpin this policy are intended to assist all responsible parties involved in implementing promotion, recruitment and selection and include:

4.1 Effectiveness

The central guiding principle for promotion, recruitment and selection is to select candidates who best meet the inherent requirements of the job.

A key principle of this policy is to develop existing employees to fulfil the future human resource requirements through identifying training needs, agreeing to career paths and training in jobs relating to the municipal environment.

It is therefore acknowledged that the development and promotion from within is a key focus of the approach of the Emmambithi/Ladysmith Municipality to effective recruitment and selection.
4.2 Efficiency and professionalism

Persons involved in the selection process are obliged to maintain high levels of professionalism, integrity and confidentiality.

4.3 Compliance with legislation

Recruitment and selection practices must comply with requirements contained in all relevant legislation inclusive of but not limited to the Labour Relations Act, Employment Equity Act and the Basic Conditions of Employment Act and the Occupational Health and Safety Act provided it is not in conflict with the South African Constitution.

4.4 Acts of direct unfair discrimination

Barring persons from being considered for employment on grounds of race, ethnicity, gender, language, religious conviction disability, sexual preference, criminal record or disadvantaged background, except where job requirements and/or legislation necessitate.

4.5 Acts of indirect unfair discrimination

Setting unrealistic job entry requirements, person profiles or qualification requirements.

Job entry requirements will be reassessed in consultation with relevant stakeholders on an on-going basis to ensure that they are appropriate and clearly stipulate what are deemed to be essential requirements for the job.

Vacant posts will be analysed to determine realistic person and post requirements in respect of all posts.

5.1 PROMOTION PROCEDURE AND INTERNAL RECRUITMENT PROCEDURE

Should there be a vacant or new position the route of internal promotion must only be followed if the Head of Department in consultation with labour representatives is of the opinion that qualifying candidate(s) or candidates are available for the position.
The following procedure must be followed when internal promotion is considered:

5.1.1 The Head of Department must obtain the permission of the Municipal Manager to advertise the post and thereafter compile an advertisement in consultation with labour representatives detailing the job specification.

5.1.2 Copies of the advertisement must be placed on all departments' notice boards for a period of one (1) week. A copy of the advertisement should also be made available to the Manager: Corporate Services.

5.1.3 The advertisement must clearly state the specific selection criteria, time limits and procedures for application.

5.1.4 Heads of Departments must not approach individuals they have identified as suitable for a particular position prior to following this procedure.

5.1.5 After the closing date for applications, the particulars of all applicants must be entered onto a schedule unless it requires huge administrative intervention in which case practical alternative arrangements must be agreed upon by the selection panel.

5.1.6 The Municipal Manager or his nominee shall arrange for a Committee consisting of the Manager: Corporate Services or his nominee, the relevant Head of Department and a maximum of two representatives from each Union to discuss whether policy and procedure had been adhered to and whether the recommendation for promotion of an employee is fair in terms of all applicable legislative requirements and policy.

5.1.7 It will not be necessary to interview all or any of the internal applicants provide all stakeholders are in agreement with that process. If it is necessary to interview candidate, the same procedure for interviewing external applicants shall apply.

5.1.8 The schedule and the name of the most suitable candidate should be forwarded to the Municipal Manager together with
the motivation of the Head of Department after consultation with the Unions in respect of a candidate's suitability for appointment. The Municipal Manager will then consider the recommended promotion of the employee and if satisfied approve the promotion of the employee into the vacant position.

5.1.9 All the necessary documentation pertaining to the promotion of the employee must be completed by the Head of Department and forwarded to the Manager: Corporate Services who will execute the process of the appointment further.

5.1.10 An employee or union representative will have three (3) working days in which to lodge a dispute in the normal way through the grievance procedure. They must motivate the reason(s) for their dissatisfaction with the choice of applicant or with the failure of management to make any appointment.

The grievance will be heard by the Municipal Manager or an Ad-hoc Committee appointed by the Municipal Manager within seven (7) days unless reasonable circumstances exist to extend the time.

Should the employee or union representative still be dissatisfied, a dispute may be declared within three (3) working days and referred to Council.

If the dispute remains unresolved after being referred to Council, the Unions may refer the matter to the Bargaining Council.

6. **EXTERNAL RECRUITMENT AND SELECTION PROCEDURES**

6.1 **EMPLOYMENT STATUS**

Employees may be recruited into one of the following categories:

6.1.1 **Permanent employment**

Posts that have been designated by Council to be filled by employees on a permanent basis for an undefined period.

6.1.2 **Contract employment**
Posts that have been designated by Council to be filled on a fixed term contract for a specified period.

6.1.3 Skills Development Candidates

Skills Development Candidates include Interns, Cadets and Learnerships.

6.2 RECRUITMENT AND SELECTION PROCEDURE

External sourcing of candidates should only be considered once the internal process has been exhausted and no qualifying candidate found or based on a legal or operational requirement. That under special circumstances where such expertise does not exist internally, Council may advertise externally.

6.2.1 General Principles

Attempts will be made to appoint applicants from designated groups to vacant posts while supporting the merit principle subject to the following:

6.2.1.1 Affirmative Action appointments will apply in those job categories where designated groups are not fairly represented as stipulated in the approved employment equity plan.

6.2.1.2 Members of designated groups will receive preference above others, all things being equal, in those job categories where Affirmative Action applies.

6.2.1.3 Relevant experience, recognition of prior learning and length of service shall be taken into account where formal qualifications are absent whilst the inherent and legal requirements of the post shall prevail above all.

6.3. ADVERTISING VACANT POSITIONS

6.3.1 Permanent and Contract Employees
All advertisements shall clearly state all the relevant job requirements, application procedures, together with time limits and confirm that the Emnambithi/Ladysmith Municipality subscribes to an Equal Employment Practice and Affirmative Action Programme, which is non-racist, non-sexist, non-discriminatory and based on merit.

The format of the application form should be simple, based on job related information and the advertisement shall be placed in English in local newspapers and in isiZulu, English and Afrikaans on all notice boards.

Advertisements will be placed in local newspaper first to target bona fide residents from the Emnambithi/Ladysmith Municipal area, firstly, where skills shortages exist, thereafter adverts may be placed Provincially and thereafter Nationally. Non-South African citizens may be considered only under special circumstances and on agreements with the registered trade unions after prior approval of the Municipal Manager has been obtain to consider such candidates.

The Municipality may, in addition to newspapers traditionally used, also place such advertisements in other appropriate publications.

Advertisements for General Workers will be placed monthly on all Council and community venues notice boards and not be advertised in the press and Heads of Departments will shortlist from applications received as stipulated in clause 7.

All advertisements must state the closing date and time of applications and this date must be adhered to at all times.

All advertisements should contain the following additional paragraph:

“If you have not been contacted within 30 days after the closing date, please accept that your application was unsuccessful.”

All applicants will be required to provide the Emnambithi/Ladysmith Municipality with up front consent to verify their reported qualifications with the institution where such qualifications were obtained.
7. SHORT-LISTING

7.1 Permanent or Contract Employees

The Departmental Head, Chief Personnel Services or their nominees and a maximum of two Representatives from each Union will process those applicants to be placed on the short-list in terms of the criteria laid down by the Departmental Head. At no stage must it be allowed for any party to delay the process due to representatives being late or not present. The shortlist should be signed by all parties.

A profile of each candidate on the shortlist must be compiled, and the summary sheets of all relevant facts must be checked by the Personnel Services before each interview to ensure that information is correct.

All qualifications listed by individuals on the shortlist must be contained in the summary compiled, and not only those directly required by the job, as all qualifications are considered as having value.

The Manager: Corporate Services shall be responsible to verify each qualification reported on all shortlisted candidates’ applications. Any applicant who has reported to be in possession of an unverifiable qualification shall be excluded from any further process whatsoever.

The Chief Personnel Services will submit the list of shortlisted candidates / applicants to the Interview Panel on the day of the interview.

No further additions of names of candidates are allowed after the shortlisting process.

8. INTERVIEWS

8.1 Permanent or Contract Employees

After shortlisting, the Chief Personnel Services should after consultation with the Departmental Head, arrange for a date for interviewing of candidates within 14 to 21 days.
An interview panel should be established comprising of the Head of Department and/or representative, Manager: Corporate Services or his representative (who will act as Chairperson) and a maximum of two representatives from each union who will act as observers.

Before the interview, the relevant Head of Department must submit a list of at least ten (10) competency based interview questions to the Manager: Corporate Services who will then select five (5) questions to be used during the interview. These questions must be kept confidential.

During the interview, the interview panel is responsible for ensuring that all applicants are given an opportunity to ask questions in respect of the job requirements, the conditions of employment associated with the job, and career prospects that may stem from employment with the Municipality.

All members of the interview panel are required to abide by the principles contained in this Agreement, and each member of the interview panel shall undertake their duties with integrity and confidentiality.

Any member of the interview panel is required to recuse themselves from the interview panel should they have a personal interest or bias in regard to any of the applicants. If a dispute arises in this regard, the decision of the Municipal Manager will be final.

The interview panel is responsible for ensuring that the interview is structured by use of consistent questioning techniques across interviews, with questions related to the requirements and dimensions of the job. While questions should be consistent across interviews, this shall not prevent interviewers from probing applicants with supplementary questions.

The interview panel is responsible for creating an atmosphere to conduct the interviews in a professional manner.

An appropriate record shall be kept of all interviews to confirm that the interview panel have complied with the requirements listed above.

9. RECOMMENDING AN APPLICANT FOR APPOINTMENT
9.1 Permanent or Contract Employees

The following should be used as guiding principles for recommendation of an applicant for appointment by the Municipal Manager:

9.1.1 Preference will be given to applicants from designated groups in those categories where designated groups are not fairly represented.

9.1.2 Qualifications unrelated to the job and unnecessary high qualification requirements shall not be used to justify placement of persons from advantaged groups over those from disadvantaged groups nor may such placement be justified on the grounds of seniority of an advantaged person.

9.1.3 Unless formal qualifications are clearly justified as essential requirements for the job, relevant experience/performance training (internal or external) and potential for the prospective vacancy shall be important criteria.

9.1.4 The placement criteria shall be objective and related to the inherent requirements of the job and the realistic future needs of the Municipality. The aforementioned criteria shall be consistently applied to the placement of all the applicants.

9.1.5 The placement criteria should be a measurable and subjective judgement of an applicant's capability and potential should be kept to a minimum wherever practicable.

9.1.6 Canvassing by job applicants, or any other person on behalf of job applicants, for posts within the Council's service is prohibited and evidence thereof will disqualify the applicant's application for consideration for appointment.

9.1.7 The Interview Panel must make the final decision based on an overall assessment taking into account:-
- The competencies required and assessment of an applicant in meeting the requirements;

- The requirement of that particular department, division or section to meet the need of matching their employee component with that of the labour market in Emmambithi/Ladysmith Municipal are in order to achieve a more representative work force with respect to race and gender;

- The recommendations of the panellists and union observers;

9.1.8 The Interview Panel’s decision must be conveyed in writing duly endorsed by the panel to the Municipal Manager who is the only person allowed in terms of the Systems Act to confirm appointments.

9.1.9 Should the Interview Panel decide not to make an appointment due to the lack of a suitable applicant, the Municipal Manager must be informed timeously and the Interview Panel must motivate their decision.

9.1.10 That subject to the dispute resolution being concluded the post be re-advertised.

10. APPOINTMENT OF STAFF ACTING IN POSITIONS

10.1 That staff may only be appointed in acting positions in accordance with the Conditions of Service.

10.2 That acting appointments not exceed three (3) months.

10.3 That acting appointments be made in consultation with unions.

10.4 That letters of acting appointments be sent under the signature of the Municipal Manager, stating that such appointments should not create expectations to be appointed in the post upon advertisement of such post.
11. APPOINTMENT OF STAFF ASSOCIATED WITH THE ADMINISTRATION OF THE MAYOR/DEPUTY MAYOR

This policy shall not be applicable to the appointment of staff necessary for the administration of the office of the Mayor or Deputy Mayor where selection will be done by the Mayor/Deputy Mayor for the specific term of the Mayor/Deputy Mayor after the request for the appointment was approved by the Municipal Manager. The appointment letter to state that an expectation to be appointed elsewhere in the municipality at the conclusion of the period should not be created.

12. DISPUTE RESOLUTION

An employee or union representative will have three (3) working days in which to lodge a dispute in the normal way through the grievance procedure. They must motivate the reason(s) in writing on a specific proforma for their dissatisfaction with the choice of applicant or with the failure of management to make any appointment.

The grievance will be heard by the Municipal Manager or an Ad-hoc Committee appointed by the Municipal Manager within seven (7) days unless reasonable circumstances exist to extend the time.

Should the employee or union representative still be dissatisfied, a dispute may be declared within three (3) working days and referred to Council.

If the dispute remains unresolved after being referred to Council, the Unions may refer the matter to the Bargaining Council.

13. APPLICABILITY OF PROCEDURE

The procedure shall be applicable to all recruitment, selection and placement of staff between salary levels 2 - 16. Those employees on salary level 1 will be appointed by powers reserved to the Council, provided that the recommendation of the Municipal Manager must be obtained and considered before any appointment is made.
14. INTERPRETATION AND AMENDMENT

The parties to this Agreement will negotiate any amendment to this Policy.