

# DR BEYERS NAUDE MUNICIPALITY

<p><b>DR BEYERS NAUDE MUNICIPALITY</b></p>	<p><b>POLICY: MIGRATION &amp; PLACEMENT</b></p>	<p><b>RESPONSIBLE ADMINISTRATION UNIT</b></p>
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## 1. DEFINITIONS

Unless specifically so stipulated, words/concepts contained in this policy shall have the same meaning and import afforded to such words/concepts defined in the relevant Acts.

- 1.1 **"Appeals Committee"** means the internal conflict resolution committee that will be constituted to resolve disputes arising from the migration and placement process.
- 1.2 **"Assignment"** is the process of the placement of a displaced employee from the corporate pool to a post according to the operational requirements of the Municipality.
- 1.3 **"Conditions of Service"** means the conditions of service as regulated by the parties in the SALGBC and conditions applicable to employees of the disestablished municipalities.
- 1.4 **"Continuity of employment"** means the uninterrupted, continuous employment of an employee with no break in the employee's period of service.
- 1.5 **"Contractual to Incumbent"** means an employee retains the remuneration pertaining to his/her previous position before placement in the new position (including fixed adjustments thereof). He/she may not be in a less favourable position than before the placement in terms of remuneration as intended in this policy.
- 1.6 **"Corporate Pool"** means the virtual grouping of employees who are displaced and are managed further in terms of this Agreement by the responsible Municipalities.
- 1.7 **"Day"** means a normal working day excluding public holidays and week-ends (Saturdays / Sundays) except in the case of the uniformed staff where weekends form part of shift.

- 1.8 **"Direct Placement"** means the process of appointing, placing or confirming an employee directly into the same or a substantially similar post in the new organisational structure.
- 1.9 **"Displaced Employee"** means an employee that could not be accommodated in his/her initial position of appointment.
- 1.10 **"Employee"** means a permanent, temporary or fixed term contract employee but excluding a student, Interns, subsidized labour, and an independent contractor.
- 1.11 **"Employment Equity"** as defined in the Employment Equity Act, 1998 (Act 55 of 1998).
- 1.12 **"Job Content"** means the main functions or key performance areas of the post. (It is the responsibility of all managers/supervisors to ensure that job profiles are compiled).
- 1.13 **"Job Evaluation Unit"** means a committee established to evaluate posts as contained in the SALGA Task Job Evaluation Policy for Municipalities.
- 1.14 **"LRA"** means the Labour Relations Act, 1995 (Act 66 of 1995), as amended.
- 1.15 **"Local Labour Forum or LLF"** means a Forum Established at the Workplace with equal representation from the employer and trade unions as contemplated in the SALGBC Main Collective Agreement.
- 1.16 **"Migration"** means the process of placing or moving of employees from one post or position on the old structure to another or similar post or position on the new structure.

- 1.17 **“New Post”** means the responsibilities and position requirements of a post that appear in the new structure that did not exist in the previous structure, and is by implication entirely new (100% different).
- 1.18 **“Placement”** is the process of placement in a post within the new organisational structure on the basis of staff follows function.
- 1.19 **“Post”** means a position in the Municipality staff establishment to which specific duties are attached.
- 1.20 **“Retraining”** is (a) the process of preparing an employee to perform the inherent requirements of the job to which he/she has been/will be migrated, placed, assigned etc. provided that (b) where an employee cannot be migrated, placed, assigned etc. for longer than the allowable period and is deemed by the “Placement Committee to be at risk of non-placement, the employee is appropriately retrained having regard to the purposes of the Skills Development Act (No.99 of 1998) as set out in schedule 2 (a) thereof.
- 1.21 **“Redundancy”** means the term applied when re-organisation and rationalization of manning levels result in particular jobs no longer being necessary, in which event the specific job becomes redundant (i.e. Section 189 of the Labour Relations Act).
- 1.22 **“SALGBC”** means the South African Local Government Bargaining Council.
- 1.23 **“Section 56 Employees”** means Municipal Managers and those managers directly accountable to Municipal Managers in terms of Section 56 of the Municipal Systems Act 32 of 2000 (as amended) and its Regulations.
- 1.24 **“Selective Placement”** is the process of selecting an employee to be appointed to the same or similar post where more than one employee could be placed into that post (i.e. the post is competitive).

1.25 **“Skills Development Act”** means Skills Development Act 97 of 1998.

1.26 **“Transfer”** entails a change of employer by structure and substituted in the place of the existing structures under section 12 Notice published in terms of the Structures Act and under section 197 of the Labour Relations Act.

## **2. POLICY STATEMENT**

The placement and migration procedure policy and its implementation will fundamentally aim at the placing of employees to ensure proper matching of human resources to the strategic and operational needs of the municipality.

## **3. PURPOSE**

3.1 This procedure seeks to ensure the efficacious placement of employees as far as possible by means of migration and placement to the posts provided for in a newly created council approved municipal organisational structure.

3.2 This policy will lapse and cease to be of any further force or effect, after completion of the placement and appeal processes. No more placements and appeals requests will then be entertained. The principles contained herein can however still be used to resolve any outstanding disputes completion of the placement and appeals processes, e.g. at arbitration level.

## **4. LEGISLATIVE FRAMEWORK**

This policy is established within the framework of the following legislation and regulations:

- Constitution of RSA, 108 of 1996
- Skills Development Act, Act 97 of 1998
- Labour Relations Act, 65 of 1995
- Basic Conditions of Employment Act, 75 of 1997
- Employment Equity Act, Act 55 of 1998
- Municipal Systems Act, 32 of 2000 (as amended)
- Municipal Structures Act, 117 of 1998

## **5. APPLICATION**

This policy applies to employees of the disestablished municipalities that were transferred to this Municipality and who are or may potentially be affected by changes to the Municipality's approved organisational structure.

## **6. TRANSITIONAL ARRANGEMENTS**

- 6.1 Vacancies on the Council approved organisational structure will not be advertised unless it is critical to the continuation of service delivery. The filling of vacancies in terms of the Recruitment and Selection Policy as well as restructuring should be suspended pending the finalisation of the placement process. The approval of external filling of vacancies and restructuring should be obtained from the Placement Committee.
- 6.2 In the event that the categorisation of the Municipality has not been determined, the municipality shall be deemed as category 3 which is the highest of the three affected disestablished municipalities.

## **7. PLACEMENT OBJECTIVES**

The objectives and principles underpinning this policy and the processes of placing employees into new Council approved organisational structure of the Municipality are to:

- 7.1 Ensure appropriate placement of all employees excluding Municipal Managers and Managers directly accountable to Municipal Managers in terms of Section 56 of the Municipal Systems Act, as amended, unless if such Manager is appointed on a permanent basis.
- 7.2 Guarantee employment security and job level but not necessarily job title and job content.
- 7.3 Ensure unbroken and orderly service delivery within the Municipality during and after the placement of employees into the new organisational structure.
- 7.4 Utilise a procedure that allows for fairness and consistency in guiding the process of placing employees into the changed structure.
- 7.5 Communicate the process transparently and non-selectively to employees and their representatives at all times.
- 7.7 Develop a procedure that minimizes redundancy claims and disputes.

## **8. PLACEMENT PRINCIPLES**

Fundamental principles for this policy are:

- 8.1 The process shall encourage high-level employee involvement and promote stakeholders participation.
- 8.2 The parties will engage in a meaningful joint consensus seeking process in good faith and strive to reach consensus where decisions are required.
- 8.3 Sufficient and adequate resources shall be allocated to ensure efficient application of the policy and procedure.
- 8.4 Transparency must underpin the whole process regarding decision making and implementation.
- 8.5 The procedure will adhere to the principles of fairness in line with LRA, as amended.
- 8.6 All employees to be placed must be suitably qualified or have the capacity to become suitably qualified within a reasonable period of time in respect of the specified suitable posts.
- 8.7 Employment Equity will be applicable as provide for in the Employment Act.
- 8.8 Selective placement shall be subjected to employment equity targets. Direct placement shall be exempted from the process of complimenting employment equity targets.
- 8.9 To give effect to the principle that staff follows function based on validated job content and ensuring that employees shall not be moved from one location to another without the function, which the employee is performing necessitating such movements except in cases of geographical relocation or based on the Municipality's operational requirements.
- 8.10 Job security, skills retention, skills development, employment and unbroken service are a priority.
- 8.11 Incumbents in acting positions have no superseding right to permanent placement within those positions.
- 8.12 Efficient and speedy resolution of appeals/objections.
- 8.13 Before any placement takes effect the issue of grading must be finalized.

## **9. MIGRATION AND PLACEMENT PROCESS**

### **9.1 Timeframes**



The Placement process should be completed within 3 months upon commencement of said process.

The Appeals process should be completed within 3 months upon commencement of said process.

## **9.2 Composition of the Placement Committee**

9.2.1 The Placement Committee with a minimum of four (4) and maximum of eight (8) members with equal representation from both employer and employee components will comprise of the following members:

- a) A Chairperson;
- b) Members of each former municipality's HR division who is well acquainted with said municipalities former organisational structures and job levels'
- b) Head of department concerned and/or his/her nominee who are familiar with the job contents and current positions under discussion;
- c) Secretariat
- d) Unions (one representative from each Union of the respective former municipalities; and
- f) Any other technical advisor that the Placement Committee deems necessary.

The Committee must elect the Chairperson and the Deputy Chairperson in their first meeting.

## **9.3 Quorum**

A quorum constitutes at least 50% plus one member of a Committee must be present at any meeting of the committee in order to constitute a quorum.

Should a normal scheduled meeting not quorate; the next scheduled meeting will be deemed to quorate with the members present.

## **9.4 The role of the Unions will be as follows**

- \* The Union representatives will attend all Placement Committee meetings;

- \* The Union representatives will monitor and ensure that the Placement Committee adheres to all stipulations as mutually agreed upon in this procedure;
- \* The Union representatives will ensure that the abovementioned stipulations are applied consistently by the Employer;
- \* The Unions are at liberty to officially object to any of the decisions taken by the Placement Committee.

#### **9.5 The role of the employer will be as follows**

- \* The employer must arrange and attend all Placement Committee meetings;
- \* The employer will do all preparatory work for the meeting and supply to the secretariat;
- \* The employer will ensure that the provisions of the policy and applied consistently.

#### **9.6 Functions of the Committee**

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

- 9.6.1 Ensuring the proper placement of employees into the new Council approved organisational structure in accordance with this procedure.
- 9.6.2 Ensuring the placement process is finalised.
- 9.6.3 Considering submissions made by the Departmental Head/Head of Organisational Unit/Human Resources for the placement of employees into the new structures.
- 9.6.4 Communicating relevant decisions to the employees concerned via The Office of the Municipal Manager/Human Resources Management.
- 9.6.5 To consider and endeavour to reach consensus regarding the placement of all existing employees into posts in the new Council approved organisational structure, in accordance with the provisions of the policy.
- 9.6.6 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 arbiter.

## **9.7 Powers of the Committee**

The powers of the Committee include, but are not necessarily limited to –

- 9.7.1 Approving or rejecting submissions/proposals regarding the placement of employees that are presented to the Committee for consideration.
- 9.7.2 Requesting the provision of any further information concerning placement submissions.

## **10. Placement Decisions**

- 10.1 The Placement Committee must take decisions on validated recommendations submitted to it by the Departmental Head/Head of an Organisational Unit/Human Resources.
- 10.2 The Placement Committee decision's must be minuted and must include a summary of the reasons for its findings.
- 10.3 Employees must be informed in writing, by way of a placement letter, of the decisions of the Placement Committee within fourteen (14) working days of the date of the meeting of the Placement Committee at which the decisions were taken.
- 10.4 The Placement Committee, by way of the placement letter, must also advise employees of their right to lodge an appeal against its decisions in accordance with the procedures set out in this policy.

## **11. PLACEMENT PROCEDURE**

### **11.1 Guidelines for the process**

- 11.1.1 Job profiles of employees must be completed and validated before placement begins.
- 11.1.2 Detailed job profiles of the new Council approved positions must be completed by the line departments and validated by the Human Resources Division before the placement process begins.
- 11.1.3 Placement will be based on an organisational structure after it has been tabled and adopted by Council.

## 11.2 Classification of the post

11.2.1 The Placement Committee will classify the post in the new structure in the following categories and manner (based on the degree of change to position):

- **Unchanged Posts:** These posts that have had no change to their responsibilities and requirements.

The HR Department will compile and submit a list of these posts with the names and other forms of identification used, of the present incumbents and submit it to the Placement Committee for confirmation.

- **Minor Changed Posts:** These are posts involving minor changes to the (responsibilities/job content, which has no material effect on the level of responsibility. It might also involve a mere change in title without a change in duties.

The HR Department will compile and submit the list with names and other form of identification used of the present incumbents to the Placement Committee for confirmation.

- **Major changed Posts:** These are posts which undergo a major change to their duties and responsibilities. This will necessitate that the posts be evaluated.

Where possible placement shall be on the close-match basis failing which the post will be advertised internally and externally depending on the seniority as informed by the recruitment and selection policy. Internal employees will be given preference.

- **New Posts:** These are new posts, which carry duties and responsibilities that do not exist in any form in the present structure.

(100% new)

These posts shall be advertised internally and externally depending on the seniority as informed by the recruitment and selection policy but giving preference to and in the following order:

- Internal candidates from designated group
- Internal candidates from non-designated group
- External candidates

11.2.2 In order to classify the status of each position within the categories identified above, consideration must be given to the role description of the old and new positions, and in particular, the key responsibilities and the skills, knowledge and relevant experience required for both.

11.2.3 The decision of the Placement Committee will be based on consensus where possible and, in the absence of consensus, the differing recommendations for specific posts must be submitted to the Municipal Manager or his nominee for a decision within 14 working days. This decision will then be referred back to the placement committee for finalisation in terms of agreed processes.

### 11.3. Placement process

11.3.1 Each of the possible classification decisions will result in pre-determined actions being taken, as detailed in the table below:

<b>CLASSIFICATION OF POSITION</b>	<b>ASSOCIATED ACTIONS</b>	<b>DIRECT OR SELECTIVE</b>
Unchanged Post	<ul style="list-style-type: none"><li>• Automatic placement of person within the position.</li><li>• This will be a selective process where there are fewer posts in the new structure than employees within the old structure. This selective process will</li></ul>	DIRECT  SELECTIVE

	be limited to the employees currently occupying the posts.	
<b>Changed Post</b>	<ul style="list-style-type: none"> <li>• Automatic placement of person within the position</li> <li>• This will be a selective process where there are fewer posts in the new structure than employees within the current structure. This selective process will be limited to the employees currently occupying the posts.</li> <li>• The need for additional skills development may however be identified.</li> <li>• If two people were in two identical positions in the old structure, and only one position exists in the new this becomes a competitive post: <ul style="list-style-type: none"> <li>- Consideration is then to be given to both candidates in terms of their competencies with due cognisance of equity requirements.</li> <li>- Interviews based on fair criteria may be used for both if no clear distinction exists in terms of equity/competency.</li> </ul> </li> <li>• Appoint one of the said candidates</li> </ul>	<p><b>DIRECT</b></p> <p><b>SELECTIVE</b></p>
<b>New Post (100% new)</b>	<ul style="list-style-type: none"> <li>• Conduct job evaluation where the level of the post is not known.</li> <li>• The position will be advertised for internal applicants only and once the internal processes for the specific position has been exhausted, external advertisement will be applicable.</li> </ul>	<b>SELECTIVE</b>

	<ul style="list-style-type: none"> <li>• The principle of preference to internal candidates which were not placed still applies</li> </ul>	
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**11.3.2** An employee that cannot be placed or assigned in the new structure is considered to be displaced into the corporate pool.

**11.3.3** Those jobs in the new structure that have to be filled through selective placement will be internally advertised and appointment to those jobs will be on application in accordance with the normal recruitment selection and appointment procedures. Those employees who are not appointed will be placed in the corporate pool of employees for redeployment, re-skilling and/or training.

#### **11.4 Empty the pool first**

**11.4.1** Every attempt shall be made to place the employees that were transferred to the Municipality firstly into the post that will be created in the new structure. Employees who cannot be accommodated in the new structure during the placement process in a reasonable alternative position will be regarded as being displaced until such time as an alternative position can be identified.

**11.4.2** In terms of the assessment of re-skilling or assignment options for those within the corporate pool, management and employees should adhere to a principle of reasonableness and flexibility when considering various possibilities to get them out of the corporate pool and meaningfully employed.

**11.4.3** As opportunities are identified for alternative placement, displaced employees within the corporate pool must be informed and assisted in taking up the opportunity to be placed. Where such opportunities are offered they should, as far as possible, be reasonable alternatives (but not necessarily similar) to the post that the employee has occupied within the disestablished municipality. Employees should also be reasonable and flexible in accepting alternative placement.

**11.4.4** If the opportunity offered to an employee in the corporate pool is at a lower post level than the displaced employee occupied, the displaced employee may be assigned to that position on a contractual to incumbent basis provided that where more than one displaced employee could be so assigned, it be done by means of selective placement. Such assignment shall be on the same terms and conditions of employment that the employee enjoyed prior to the assignment.

**11.4.5** The following must be considered in order to facilitate the placement of employees within the corporate pool:

- a) Where there is an obvious match in terms of function and designation (this includes allowing for limited training), vacant posts should not be advertised as the first step. Rather, consideration must first be given to employees within the corporate pool. The ordinary placement rules should then also be applicable.
- b) Should more than one employee from within the corporate pool be considered suitable applicants for such vacant posts, then employment equity and job-related needs should be used as criteria to be applied to applicants from within the corporate pool.
- c) Should there be no suitable applicants from within the corporate pool, then other applicants may be considered in accordance with normal selection/promotion criteria.

11.4.6 Where there is clearly no match and only a remote chance of successfully placing someone from within the corporate pool, then other applicants can be considered in the normal manner, when positions are advertised.

11.4.7 The Municipality as employer is committed to ensure continuity of employment and every attempt will therefore be made to ensure that no retrenchment/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.

11.4.8 Displaced employees, who are dissatisfied with their placement into the corporate pool can lodge an appeal with the Appeals Committee in accordance with the procedures set out in this policy.

## **12. GEOGRAPHICAL RELOCATION**

12.1 All recommendations on placements are to indicate whether geographical relocation of staff will be required.

12.2. Geographical relocation of employees will only take place for the following sound operating and/or economic reasons:

- The functions of the posts are to be delivered in another geographical area.
- The functions of the posts may be reduced and/or combined resulting in a necessity to rationalise resources.
- The functions of the post may be abolished in that particular geographical area.



**12.3. Where it is necessary to geographically relocate only part of a section or department, the selection of employees for relocation 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 relocated, then selection will be done on the basis of "first - in, first - out" [FIFO];**
- **Should too few affected employees volunteer to relocate, 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 relocation.**

**12.4. In the event of equivalent vacancies subsequently being advertised at the previous geographic location within a period of 12 months from relocation, any relocated employee will receive preference should he or she apply for transfer and meet the minimum requirements of the post.**

**12.5. In the case of an employee accepting geographical relocation, and such employee, moves his place of residence in order to reside closer to his new place of work, the council concerned will pay the cost of relocation to his new place of residence in terms of the Council approved relocation policy.**

**12.6 In the case of an employee accepting geographical relation and due to exceptional circumstances the employee cannot move his/her place of residence, the Council will provide municipal transport or financial assistance for a period of 12 (twelve) months from date and pay the traveling cost in terms of the Council approved subsistence and traveling policy.**

## **13. APPEALS PROCEDURE**

### **13.1 Appeals Committee**

**13.1.1 This committee will be constituted for the duration of the placement process undertaken by the Municipality and will cease to exist after all of the appeals emanating from this process have been resolved.**

**13.1.2 Every employee and or trade union shall have the right to refer a written objection on placement or non-placement to the**

**Appeals Committee.**

- 13.1.3** The Municipal Manager or his nominee shall appoint an Appeals Committee and its chairperson which will consist of maximum of two representatives from the following institutions and organisations:
- SALGA
  - COGTA-EC
  - Sarah Baartman District Municipality
  - SAMWU
  - IMATU

**The Municipal Manager or his nominee shall provide a Secretariat;**

- 13.1.4** Abovementioned representatives should not be the same as those who served on the Placement Committee as part of the original decision making.

**13.1.5 Quorum:**

- \* At least 50% plus one members of the Committee must be present at any meeting of the committee in order to constitute a quorum.
- \* Should a normal scheduled meeting not quorate, the next scheduled meeting will be deemed to quorate with the members present.

**13.1.6 The role of the Unions will be as follows:**

- \* The Union representatives will attend all Appeals Committee meetings;
- \* The Union representatives will monitor and ensure that the Appeals Committee adheres to all stipulations as mutually agreed upon in this Procedure;
- \* The Union representatives will ensure that the abovementioned stipulations are applied consistently by the Employer; and
- \* The Unions are at liberty to officially object to any of the decisions taken by the Appeals Committee.

**13.1.7 The role of other representatives:**

- \* The representatives must arrange and attend all Appeals Committee meetings;
- \* The employer will do all preparatory work for the meeting and supply to the secretariat;
- \* The representatives will ensure that the provisions of the policy are applied consistently.

## **13.2 Functions of the Appeals Committee**

- 13.2.1 The Committee must make a finding, upholding or rejecting the placement appeal wholly or in part. Once such report back has been done the Appeals Committee must make a finding regarding the final placement of the employee.
- 13.2.2 Should the appeal committee requires submissions or representation from the municipality or employee, it shall be entitled to request such information.

## **13.3 Lodging an appeal**

- 13.1 Employees and/or a trade union who are aggrieved at a decision of the Placement Committee must lodge a written objection/appeal to the Appeals Committee, providing sufficient information to enable the Committee to make an informed decision.
- 13.2 Information regarding the placement being appealed against must be set out as fully as possible.
- 13.3 All documentation relevant to the matter should also be included to enable the Appeals Committee to obtain a full appreciation of the appeal.
- 13.4 The appeal must be lodged within 14 days of the aggrieved employee receiving written notification of the placement.
- 13.5 The appeal must be heard within a reasonable time but not longer than twenty one [21] days from the date the appeal is lodged, unless otherwise agreed to by the parties.

#### **13.4. Findings of the Appeals Committee**

13.4.1 The Appeals Committee must make a finding regarding the appeal within fourteen (14) days from the conclusion of the appeal hearing.

13.4.2 The Appeals Committee's findings must be minuted. The minutes of the Appeals Committee meeting must include a summary of the reasons for that finding, and must be given in writing to the employee within fourteen (14) working days of the making of such a finding.

13.4.3 Should the employee still not be satisfied with the finding of the Appeals Committee, he/she will be entitled to deal with the matter as provided for in clause twenty three of the SALGBC.

13.4.4 The Appeals Committee must advise the employee of these further steps in the process.

#### **14. CATEGORISATION OF MUNICIPALITY**

The Municipality shall within 30 days of its establishment apply to the SALGBC to have the Municipality reassessed for categorisation. Such application will be submitted to the LLF prior to its submission to the SALGBC.

#### **15. JOB EVALUATION**

15.1 Within 6 (six) months of the completion of the placement, all the posts on the Council approved organisational structure shall be evaluated in accordance with the TASK job evaluation policy of SALGA.

15.2 The Municipality shall fast track the process of job evaluation by appointing a service provider to compile job descriptions for each post in the prescribed TASK format.

15.3 The Job evaluations of all the posts will be fast tracked and should the categorisation of the Municipality not be determined at such time, the Municipality shall in the interim remunerate employees on a Category 3 Wage Curve attached to this policy, including the annual cost of living adjustments as determined by the SALGBC.

15.4 Employees whose existing basic salary is higher than the new TASK grade maximum will retain their existing basic salary on a contractual to incumbent basis and the annual cost of living adjustments as determined by the SALGBC will be applied.

## **16. CONDITIONS OF SERVICE**

**16.1** All employees transferred to the newly established municipality shall, from the commencement date of the newly formed municipality, be subject to the following:

- a) No interruption in Conditions of Employment or service shall occur. All employees shall retain their conditions of service and benefits as if their services were not interrupted.
- b) Employees who, prior to amalgamation, resigned from the service of their municipality, shall be entitled to their normal benefits and the normal principles of that specific municipality, with regard to the resignation of personnel. These matters shall explicitly fall outside the jurisdiction of the newly-formed municipality.
- c) All employees of the newly formed municipality shall retain all their current conditions of employment following placement in the new structure until rationalisation of such conditions of employment has been completed within the bargaining council or LLF considering the levels of bargaining as provided for in the SALGBC Main Collective Agreement.
- d) Notwithstanding the provisions above, the salaries and benefits of employees shall be adjusted in accordance with any collective agreements concluded in the Bargaining Council.

## **17. REDUNDANCY/RETRENCHMENT**

The following will not constitute grounds for retrenchments/redundancy:

- Reasonable geographical relocation.
- The transfer from one employer to another employer without any changes to functions and/or conditions of employment in terms of section 197 of the Labour Relations Act.

## **18. CONSULTATION PROCESS**

The following process shall be followed for consultation towards policy approval:

- 18.1. Corporate Services Manager shall be the author and custodian of the policy.
- 18.2 The draft policy shall be first circulated to the members of the LLF for comments and inputs with a reasonable space of time.

- 18.3 A workshop to present the draft policy shall be facilitated by the Corporate Services Manager where all stakeholders i.e. Councillors, Senior Managers, Managers and Shop Stewards from organised labour will be invited.
- 18.4 Once a final draft is compiled, the policy shall be tabled before Council for approval and adoption as part of its procedure manual.

## **19. COMMUNICATION OF THE POLICY**

After the policy has been approved and adopted by Council, an induction workshop will be organised for all employees to communicate the policy. Employees will be grouped according to their levels of literacy and understanding to ensure proper packaging and presentation for each group.

## **20. MONITORING AND EVALUATION OF THE POLICY**

- 20.1 The Municipal Manager is final arbiter in matters and disputes related to this policy.
- 20.2 Periodic audit will be conducted by the Corporate Services Manager of the Municipality whenever it is deemed necessary to ensure appropriate application and compliance with the Policy.
- 20.3 Anyone who is found in contravention of this policy and its annexures shall be dealt with as per disciplinary code stipulations.

## **21. WAIVER OF THE POLICY**

If any provision of this policy is held to be illegal, invalid or enforceable, such illegality, invalidity and/ or unenforceability shall not affect the other provisions of this policy which shall continue to remain in force and effect.

## **22. POLICY INTERPRETATION AND DISPUTE RESOLUTION**

- 22.1 In the event of any inconsistency between this policy and any other government legislation, such legislation prevails.
- 22.2 After exhausting all the internal dispute resolution processes, any person or party may refer a dispute about the application or interpretation of this policy to the SALGBC.

**22.3 The General Secretary in the event of a dispute not being resolved:**

**22.3.1 Must appoint a conciliator from either the national or divisional panel of conciliators, or if the dispute remains unresolved;**

**22.3.2 Refer the dispute to arbitration in terms of the constitution of the Council.**

**22.3.3 The arbitrator shall:**

- a) Endeavour to conciliate the dispute unless the parties to the dispute advise the arbitrator that the dispute has been properly conciliated; and**
- b) If the dispute remains unresolved, resolve the dispute through arbitration.**

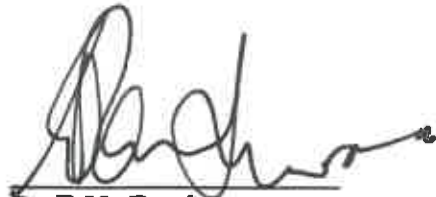
**22.3.4 The arbitrator may make any appropriate arbitration award in terms of the LRA that gives effect to the policy.**

## **23. RECORD KEEPING**

The Human Resources Section shall keep adequate records of the migration and placement process, including the following:

- o Copy of the organisational structure
- o Copy of the employee job profiles
- o Copy of the lists submitted to the Placement Committee
- o Minutes of the Placement and Appeals Committees
- o Copies of employees 'placement letters
- o Copies of all other assessments utilised.

Approved by:



**Dr E.M. Rankwana**  
**Municipal Manager**



**Date**