



RECRUITMENT & SELECTION POLICY
JOHN TAOLO GAETSEWE DISTRICT MUNICIPALITY

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MUNICIPAL MANAGER


SPEAKER

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SPEAKER

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2023/2024

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SPEAKER**

1. DEFINITIONS

"Induction" initiation: a formal entry into an organization or position or office.

"Nepotism" means favouritism on the basis of family relationship or friendship.

"Candidate" means an applicant for a post.

"Recruitment" means the activities undertaken in the human resource management in order to attract sufficient job candidates who have the necessary potential, compliances and traits to fill job requirements and to assist the municipality in achieving its objectives.

"Reference check" means the gathering of information about candidates past history from people with whom such candidate has been associated.

"Selection" means the process of making decisions about the matching of candidates taking into account individual differences and the requirements of the job.

All terminology not defined under clause 1 of this policy shall bear the same meaning as in the applicable legislation.

2. LEGAL FRAMEWORK

- 2.1 Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) as amended.
- 2.2 Local Government Performance regulation for Municipal Managers and
- 2.3 Managers Directly Accountable to Municipal Managers, 2006.
- 2.4 Employment Equity Act (Act 55 of 1998)
- 2.5 Basic Conditions of Employment Act 1997 (Act No 75 of 1997)
- 2.6 Labour Relations Act, (Act 66 of 1995)
- 2.7 Minimum competency regulations on appointment and conditions of senior management.
- 2.8 Regulations on the appointment of section 57's: Municipal Manager and Managers directly accountable to the Municipal Manager.
- 2.9 Municipal Staff Regulations
- 2.10 The Constitution of the Republic of South Africa, 1996

MR. I.E AISENG
JOHN TAOLO GAETSEWE
DISTRICT MUNICIPALITY
SPEAKER

3. SCOPE AND APPLICATION

This Policy applies to—

- 3.1 All staff members of a municipality.
- 3.2 This Policy must be read in conjunction with the Local Government: Regulations on Minimum Competency Levels, 2007, Government Notice No. 493 as published in Government Gazette No. 29967.
- 3.3 Unless otherwise specified in this Policy, the Policy does not apply to—all senior managers; and persons participating in the national public works programme or a similar scheme.

4. STAFF ESTABLISHMENT

- 4.1 The municipal manager must review the draft staff establishment in consultation with recognised trade unions within the local labour forum.
- 4.2 The municipal manager must within 30 days of reviewing the staff establishment, submit a report and the proposed staff establishment for approval by the municipal council.
- 4.3 The municipal manager's report to the municipal council must—
 - 4.3.1 Outline the process followed in drafting the staff establishment;
 - 4.3.2 Set out the mandate and service delivery priorities for the municipality and how the proposed staff establishment addresses these;
 - 4.3.3 Summarise the proposed posts that will—
 - 4.3.3.1 Materially change;
 - 4.3.3.2 Change to a limited or non-material degree;
 - 4.3.3.3 Be abolished; and
 - 4.3.3.4 Not be affected by the changes;
- 4.4 motivate any proposed changes and link it to the strategic drivers within the Integrated Development Plan, including an analysis of the strengths, weaknesses and limitations of the current establishment;

- 4.5 provide details of the financial implications of the changes, including but not limited to the outcomes of job evaluation processes, staff remuneration costs, costs for the relocation of staff, if any, and costs of new facilities and equipment, if any;
- 4.6 outline the non-financial implications of the changes, including the impact on existing staff and key stakeholders within the municipality;
- 4.7 propose an implementation plan with specific timeframes within which the new staff establishment will take effect; and
- 4.8 outline the stakeholder and change management requirements.
- 4.9. the municipal council must, upon receipt of the review report and proposed staff establishment, at its next meeting or as soon as practicable, approve the staff establishment, with or without amendments by the municipal manager for the purpose of submitting it to the relevant MEC for local government.
- 4.10. within 14 days of the municipal council approving the submission referred to in sub-regulation (4), the municipal manager must submit to the MEC a copy of the —
 - 4.10.1 Staff establishment;
 - 4.10.2 Council resolution; and
 - 4.10.3 Reports informing the staff establishment, if any.
- 4.11. Within one month of receiving, the documents referred to in sub-section (4.10), the MEC must consider the proposed staff establishment and submit comments to the municipal council.
 - 4.11.1 If the MEC does not provide comments within the period referred to in sub-section (4.10), the municipal council may finally approve the municipality's staff establishment.
 - 4.11.2 The municipal council must consider any comments received from the MEC and thereafter adopt the staff establishment.

**MR. I.E AISENG
JOHN TAULO GAETSEWE
DISTRICT MUNICIPALITY
SPEAKER**

4.12. Within 30 days of the municipal council finally adopting the staff establishment, the mayor must submit to the MEC—

4.12.1 A copy of the adopted staff establishment;

4.12.2 The council resolution adopting the staff establishment;

4.12.3 The reports informing the staff establishment, if any; and

4.12.4 The reasons for rejecting the MEC's submissions, if any.

4.13. Within 14 days of receiving the documents referred in sub-section (4.12), the MEC must submit the documents referred to in sub-section (4.11) and (4.12) together with a copy of the MEC's comments referred to in sub-section (4.11) to the Minister.

5. JOB DESCRIPTION

5.1 Every job on the staff establishment of a municipality must have a written job description.

5.2 The municipality must keep a record of all updated job descriptions for all posts.

5.3 The incumbent or the representative of that job and the immediate supervisor or supervisor representative of that job, in consultation with the relevant head of department and the human resources department must develop, and where appropriate, review a job description when there are substantial changes to the job.

5.4 A job description must contain at least the job title, purpose of the job, the location of the job on the staff establishment, key responsibilities, competencies and minimum requirements of the relevant job.

5.5 A job description may be reviewed at least once every five years following the reorganisation of the municipal administration resulting in permanent substantial changes to the jobs to ensure that the job description remains relevant and current.

MR. I.E AISENG
JOHN TAGLO GAETSEWE
DISTRICT MUNICIPALITY
SPEAKER

6. JOB EVALUATION

- 6.1 All jobs in a municipality must be graded through a job evaluation process.
- 6.2 Job evaluation is the grading of jobs according to a specifically planned procedure and reliable methodology in order to determine the relative worth of each job in the municipality.
- 6.3 Job evaluation process involves the evaluation of the job and not the person performing the job.
- 6.4 Jobs must be evaluated—
 - 6.4.1 upon completion of the review of the staff establishment;
 - 6.4.2 within six months of a material change to the job content or job requirements; or
 - 6.4.3 before a new post is filled.

7. RECRUITMENT, SELECTION AND APPOINTMENT OF STAFF

7.1 PRINCIPLES

The recruitment, selection and appointment of a staff member to a post on the staff establishment must—

- 7.1.1 comply with the requirements of the municipality's employment equity policy and plan: Provided that if a municipality is unable to adhere to the employment equity plan due to specialised scarce skills required for a specific post, the municipality must record reasons for deviation from the policy;
- 7.1.2 be integrated with other human resource management systems and procedures;
- 7.1.3 use objective competencies specified in the Municipal Staff Regulations; and
- 7.1.4 be filled through advertising in accordance with section 9.

7.2 DETERMINATION OF RECRUITMENT NEEDS

- 7.2.1 Every municipality must—



- (a) develop the 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.

7.2.2 The strategy contemplated in sub-section (7.2.1)(a) must include timeframes for the various activities included in the recruitment and selection processes.

7.2.3 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.

7.2.4 Deviation from sub-section (7.2.1) may be granted on the following grounds:

- (a) budget cut requiring prioritisation of personnel expenditure;
- (b) impending re-structuring exercise; and
- (c) alternative staffing solutions are adopted.

8. REQUIREMENTS FOR APPOINTMENT OF STAFF

8.1 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 of a municipality, unless he or she—

8.1.1 is a South African citizen, permanent resident or foreign national with a valid work permit; and

8.1.2 possesses the relevant competencies, qualifications and experience, as set out in Annexure A of the Municipal Staff Regulation.

MR. I.E AISENG
JOHN TAOLO GAETSEWE
DISTRICT MUNICIPALITY
SPEAKER

8.2 COMPETENCY REQUIREMENTS FOR STAFF

8.2.1 A person appointed as staff member in terms of the Municipal Staff Regulations 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 Regulation.**

8.2.2 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 Municipal Staff Regulation, a municipality may place a staff member on a programme to acquire the competency requirements as prescribed in order for the staff member to be eligible for career opportunities in the municipality.

8.2.3 If a staff member has not attained the competencies as prescribed in the Municipal Staff Regulations, the municipality must utilise the workplace skills plan to identify and address the staff member's competency gaps and development needs.

8.2.4 The Minister may issue a notice in the gazette determining uniform competency-based assessment for specific occupational streams.

8.2.5 The municipality must subject a staff member to a competency assessment for specific occupational streams as determined by the Minister in terms of sub-section 8.2.4 above.

9. ADVERTISING OF VACANT POST

9.1 The municipality must advertise a post after the approval referred to in sub-section (7.2.3)(a) has been obtained.

9.2 The advertisement must at least specify the—

- (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;
- (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 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.

9.3 The municipality must compile: -

- (a) long list of all applicants who applied for the advertised post;
- (b) preliminary list of applicants who meet the requirements (shortlist);
- (c) list of applicants who do not meet all requirements but have the potential; and
- (d) list of applicants who do not meet the requirements: Provided that the advertising and recruitment procedures comply with the provisions of the Act and these Regulations.

9.4 An advertisement contemplated in sub-section (9.2) may be utilised 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 in the relevant municipality if—

MR. I.E AISENG
JOHN TAOLO GAETSEWE
DISTRICT MUNICIPALITY
SPEAKER

- (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; and
- (b) the recruitment process contemplated in this Policy has been complied with.

9.5 A municipality may advertise any funded vacant post, as a minimum, within the municipality, but may also advertise such post—

- (a) locally; or
- (b) nationwide.

10. APPLICATION FOR VACANT POST

10.1 An application for a vacant post must be made on the form, obtainable from the Municipal Website.

10.2 An applicant for a post must disclose—

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

10.3 Any misrepresentation or failure to disclose material information contemplated in sub-section (10.2) and the application form, is a breach of the Code of Conduct for Municipal Staff as provided for in Schedule 2 of the Act.

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

MR. I.E AISENG
JOHN TAULO GAETSEWE
DISTRICT MUNICIPALITY
SPEAKER

10.5 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.

10.6 The record must contain—

- (a) the applicants' biographical details and contact information;
- (b) the details of the post for which the applicants were applying;
- (c) the applicants' qualifications; and
- (d) any other requirements outlined in the application form.

11. SELECTION PANEL

11.1 A municipal manager or his or 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.

11.2 The selection panel must comprise of at least 3 but not more than 5 members.

11.3 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.

11.4 In deciding on the composition of 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.

11.5 A member of a selection panel must—

- (a) disclose any interest or relationship with shortlisted candidates during the short-listing process;

MR. I.E AISENG
JOHN TAOLO GAETSEWE
DISTRICT MUNICIPALITY
SPEAKER

- (b) recuse himself or herself from the selection panel if—
 - (i) his or 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; and
 - (c) sign a declaration of confidentiality as set out in Annexure C to avert the disclosure of information to unauthorised persons.
- 11.6 If a union representative is allowed to attend interviews as an observer, he or she must sign the declaration as set out in Annexure C to prevent the disclosure of information to unauthorised persons.
- 11.7 The head of human resource or his or her delegate must facilitate and provide advisory services during the selection process to ensure compliance with the Regulations in the recruitment and selection process.
- 11.8 A staff member delegated to provide secretarial services during the selection process may not form part of the selection panel.
- 11.9 Each panel member must disclose potential conflict to be considered by the full selection panel at the initial meeting of the panel.
- 11.10 If a conflict of interest becomes apparent during the selection process, the municipal manager or his or her delegate may take the appropriate steps to remedy the situation, which may include declaring the selection process invalid and commencing a new process.
- 11.11 If a conflict of interest becomes apparent after the appointment, the municipal manager or his or her delegate must report the matter to the relevant delegated authority which must take remedial action and, where necessary, disciplinary action.

MR. I.E AISENG
JOHN TAULO GAETSEWE
DISTRICT MUNICIPALITY
SPEAKER

12. SHORTLISTING OF APPLICANTS

- 12.1** The municipality must compile a list of all applications received for the post evaluated against the relevant competency requirements for the post.
- 12.2** The selection panel must compile a shortlist based on the inherent requirements of the position as advertised and with due regard to section 20 of the Employment Equity Act.

13. INTERVIEWS

- 13.1** The list of shortlisted candidates and copies of their applications must be submitted to the selection panel prior to the interviews taking place.
- 13.2** 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.
- 13.3** Despite the provisions of sub-section (13.2), a municipality must grant observer status to each of the recognised 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.
- 13.4** The selection panel must interview the shortlisted candidates.
- 13.5** 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 advertised post.
- 13.6** The selection panel must keep a written record of the interviewed candidates.
- 13.7** After considering all the relevant information, the selection panel must recommend 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.

**MR. I.E AISENG
JOHN TAULO GAETSEWE
DISTRICT MUNICIPALITY
SPEAKER**

13.8 If it is determined that the recruitment process has not attracted suitable candidates, the post may be re-advertised.

13.9 If the post is categorised 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.

13.10 The recommendations of the selection panel must be determined by—

- (a) consensus; or
- (b) where the panel fails to reach consensus, the matter shall be referred to the municipal manager or his or her delegate for mediation or resolution.

13.11 If the selection panel recommends an appointment to the post, it must submit its recommendation to the municipal manager or his or her delegate for approval.

14 REFERENCES AND PERSONAL CREDENTIAL VERIFICATION

14.1 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.

MR. I.E AISENG
JOHN TAOLO GAETSEWE
DISTRICT MUNICIPALITY
SPEAKER

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

14.3 Despite sub-section (14.1a), a candidate who does not have a previous employment record may not be disqualified as a candidate for appointment to an advertised post.

15. APPOINTMENT

15.1 A person may be appointed as a staff member only if he or she—

- (a) possesses the relevant competencies as prescribed in Annexure A of Municipal Staff Regulation; and
- (b) is not disqualified in terms of regulation 22 of Municipal Staff Regulation

15.2 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; and
 - (ii) the terms and conditions of employment.

15.3 Before making a decision to appoint, the municipal manager or delegate must satisfy himself or herself that the candidate meets the relevant requirements of the post as provided in "Annexure A" of the Municipal Staff Regulation.

15.4 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.

15.5 An appointment may only take effect after the municipal manager or his or her delegate has approved the appointment in writing.

MR. I.E AISENG
JOHN TAULO GAETSEWE
DISTRICT MUNICIPALITY
SPEAKER

15.6 The municipal manager or his or her delegate must ensure that all the interviewed candidates are informed whether or not they were successful.

15.7 Unsuccessful candidates must, on request, be provided with reasons in writing as to why they were not successful

16 APPOINTMENT OF SUPPORT STAFF TO OFFICES OF PUBLIC OFFICE BEARERS

16.1 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 that 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.

16.2 The duration of the secondment or fixed-term employment contract contemplated in sub-section 16.1, may not be longer than 30 days after the public office bearer vacates office.

17. RE-EMPLOYMENT OF DISMISSED STAFF

17.1 A person who was dismissed from a municipality for any reason stated in column B of the table in Annexure E, may not be employed in any municipality before the period set out in column C of the table has expired.

17.2 Despite sub-section (17.1), a person who has lodged a dispute in terms of any applicable legislation, may be appointed subject to the outcome of the dispute.

17.3 The periods set out in column C of the table in Annexure E, 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 in Annexure E.

17.4 A municipality must maintain a record of staff dismissed for misconduct and staff who resigned prior to the finalisation of any disciplinary proceedings.



17.5 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) 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;
- (i) whether a dispute was referred to the bargaining council or the Labour Court;
- (j) the costs incurred by the municipality; and
- (k) the date of resignation or dismissal of the person.

18 PROBATION

18.1 The appointment of a person as contemplated in this Policy must be affected on a minimum probationary period of three (3) months and a maximum probationary period of 12 months.

18.2 The probationary period must be determined on the basis of the job requirements and the minimum period required to establish whether performance is satisfactory or not.

18.3 The period of probation excludes the number of days for which leave has been taken by the staff member during the period of probation or any extension thereof.

18.4 The municipal manager or his or her delegate must—

MR. I.E AISENG
JOHN TAOLO GAETSEWE
DISTRICT MUNICIPALITY
SPEAKER

- (a) inform the staff member within the first two weeks of employment of that member's performance requirements;
- (b) ensure that the staff member completes the municipality's induction programme; and
- (c) assess the staff member's performance; and provide the staff member with feedback on a quarterly basis on that member's performance.

18.5 If a staff member's performance is not satisfactory, the municipal manager or his or her delegate must advise the staff member of any aspects that the staff member is considered to be failing to meet.

18.6 If the municipal manager or his or her delegate believes that the staff member's performance does not meet the required standards, he or she may extend the probationary period or dismiss the staff member, provided that—

- (a) the staff member shall first be given a reasonable period of time for assessment, training, guidance or counselling; and
- (b) the staff member's performance continues to be unsatisfactory after a reasonable period has been given to the staff member to improve his or her performance.

18.7 Despite sub-section (18.6), the municipal manager or his or her delegate may extend the probationary period by a period not exceeding six months, in order to afford the municipality an opportunity to further assess the staff member's performance.

18.8 Within one month after the completion of the probationary period, the municipal manager or his or her delegate must—

- (a) confirm the appointment if—
 - (i) the staff member's performance during the probationary period was satisfactory; and
 - (ii) the staff member complied with all the conditions of the probationary appointment;

**MR. I.E AISENG
JOHN TAOLO GAETSEWE
DISTRICT MUNICIPALITY
SPEAKER**

- (b) subject to the Labour Relations Act, terminate the appointment if—
- (i) the staff member's performance was not satisfactory during the probationary period; and
 - (ii) the staff member did not comply with all the conditions of the probationary appointment

19. PROMOTION

19.1 A staff member who is appointed in accordance with this chapter to a post in a municipality that is higher in salary level or job grade than the one that he or she previously occupied in that municipality is deemed to be promoted to that post.

19.2 A staff member who is promoted does not forfeit his or her years of service and the benefits which accrued from those years of service.

20. Appointment of permanent staff

Except as provided for in section (16) and sub-section (21.1), appointments of staff members made in terms of section 66 of the Act shall be on a permanent basis.

21. Appointment of staff on fixed term contract

21.1 Despite regulation 29 of Municipal Staff Regulations, a municipality may, in exceptional circumstances and within its administrative and financial capacity, appoint a person or persons on fixed term contract without adhering to the procedures and processes as contained in this chapter.

21.2 The application of sub-regulation (1) is subject to the provisions of section 198B of the Labour Relations Act.

22. POLICY REVIEW

This policy will be reviewed annually.

MR. I.E AISENG
JOHN TAOLO GAETSEWE
DISTRICT MUNICIPALITY
SPEAKER