

WINNIE MADIKIZELA MANDELA LOCAL MUNICIPALITY



PLACEMENT & MIGRATION POLICY

Approved by the COUNCIL on:

13 MAY 2022

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1. PREAMBLE

Whereas the Municipality need to regularly evaluate the staff establishment and, if necessary, review the staff establishment and conditions of service as stipulated by Section 66 of the Municipal Systems Act No. 32 of 2000, the re-organisation of existing staffing staff establishment will be necessary to meet operational objectives to service delivery.

To effect the integration of the structures this policy and procedures are intended to regulate the migration and placement of employees.

2. DEFINITIONS

- 2.1. **Temporary Employees:** means a person who is earning less than the regulated threshold and employed for a specific project which has a limited or defined duration.
- 2.2. **Permanent Employees:** means and employee who has been employed with no pre-determined time limit.
- 2.3. **Unchanged posts:** means posts which have no material changes to the job descriptions and/or work plans.
- 2.4. **Changed posts:** means posts involving material changes to the job descriptions and/or work plans and/or job requirements.
- 2.5. **New posts:** means posts which carry duties and responsibilities that do not exist in any form in the present staff establishment.

3. LEGAL FRAMEWORK

- 3.1. Labour Relations Act No.66 of 1995;
- 3.2. Municipal Systems Act No. 32 of 2000;
- 3.3. Basic Conditions of Employment Act No. 75 of 1997;
- 3.4. Employment Equity Act No. 55 of 1998;

4. OBJECTIVES OF THE POLICY

- 4.1. To provide a mechanism for application of a zero-based approach in the placement of employees in the adopted staff establishment,
- 4.2. To provide measures for a fair and just placement process for surplus and/or displaced employees,
- 4.3. To provide a procedure for expediting placement of surplus and/or displaced employees

5. PRINCIPLES OF MIGRATION AND PLACEMENT

The migration of employees from the current structure and their placement in the new structure shall be governed by the following principles;

- 5.1. The continued employment of current permanent staff members must take priority.
- 5.2. Any employee that cannot be placed in a position on the establishment in terms of this policy shall be carried, personal or contractual to holder, as the case may be, additional to the establishment until such time as the first of the following occurs:
 - 5.2.1. She/he is placed in a position in the new organisation structure;
 - 5.2.2. His/her position is declared redundant and abolished.
- 5.3. An employee who acts in a position on the placement date does not have the right to be placed in the equivalent position in the new structure;
- 5.4. This policy shall be executed in a transparent and open manner;
- 5.5. No employee shall, after she/he worked immediately before the placement date unless the functions which that employee performs must be performed at such other location. The management determines at which location within the Municipality an employee must ordinarily work;
- 5.6. A permanent employee shall be placed permanently;
- 5.7. An employee's race, age, sex, work performance and health status shall not be considered when placing her/him;

- 5.8. An employee shall be paid to a position in the new organisation structure on the close match basis. i.e. by comparing the relevant employee's current job content to that of a similar position in the new organisational structure;
- 5.9. No employee shall be promoted or demoted or her/his pay increase or decreased during the migration process;
- 5.10. An employee's current job title shall be immaterial when considering her/his placement;
- 5.11. No Intern or employee employed in a temporary capacity may be placed permanently in a position in the permanent establishment and no employee except a manager who is directly accountable to the Municipal Manager may be placed in a position the incumbent of which is a Manager who is directly accountable to the Municipal Manager.
- 5.12. The placement of staff shall not disrupt the efficiency and effectiveness of service delivery.
- 5.13. The policy shall not be used as a punitive measure against employees.

6. PLACEMENT PROCEDURE

- 6.1. The Management shall classify positions in the new organisational structure as follows:
 - 6.1.1. Unchanged positions, i.e. Positions that had no changes to their current duties;
 - 6.1.2. Minor changed positions, i.e. Positions that had minor changes to current duties but which did not have any material effect on the level of responsibility;
 - 6.1.3. Significantly changed positions, i.e. positions that have had major changes to their content and level of responsibility;
 - 6.1.4. New positions i.e. positions that were created to the first time.
- 6.2. Immediately after it complied with paragraph 6.1, the management shall provisionally place employees in the new organisational structure. The provisional placement of employees shall be completed within 10 day working days after the matched to the number of available positions; the following criteria must be applied, in the order in which they are stated, to make a placement decision-

- 6.2.1. Employment Equity, and;
- 6.2.2. Length of service.
- 6.3. The document containing the management's provisional placement proposals shall be submitted to the trade unions, who shall be allowed adequate time, but not more than 10 working days before placement date, to consider the management's proposals.
- 6.4. As soon as the management and the trade unions agree on the placement of any employee, the Senior Manager: Corporate Service shall notify the relevant employee in writing of her/his placement. Such notice shall inform the employee-
 - 6.4.1. Of the designation of her/his new position;
 - 6.4.2. Regarding the salary level and scale of that position;
 - 6.4.3. Regarding the place where she/he must work;
 - 6.4.4. That she/he has the right to dispute/challenge her/his placement in writing;
 - 6.4.5. That her/his challenge to, or acceptance of, her/his placement must be lodged within five working days of the date of the notice;
 - 6.4.6. That she/he has the right to be assisted by a trade union representative or a colleague to prepare her/his dispute/challenge and to be represented by a trade union representative at any enquiry into the matter.

7. DISPUTES/CHALLENGES OF PLACEMENTS DECISIONS

- 7.1. A dispute/challenge to a placement must be considered within five working days of it being lodged and must be resolved within five working days after it was first considered, unless the disputes committee decides otherwise.
- 7.2. Disputes/challenges to any placement decision shall be considered by a committee (styled the disputes committee) consisting of two managers designated by the Municipal Manager and two trade union representatives elected by the trade unions during a meeting of their shop stewards.
- 7.3. The dispute committee may, during the consideration of any dispute/challenge, give the employee concerned opportunity to appear before it and to make oral representations regarding her/his dispute/challenge.
- 7.4. The disputes committee shall attempt to resolve every dispute/challenge by consensus. If the committee cannot reach consensus the Municipal Manager, acting

on behalf of the Municipality or a trade union, acting on behalf of a member, or an employee may lodge an appeal. An appeal shall be lodged in writing with the Senior Manager: Corporate Service within five working days after the disputes committee reached a deadlock.

8. APPEALS

- 8.1. As soon as the disputes committee reaches a deadlock on any dispute/challenge before it, it shall jointly select an arbitrator from the list of mediators maintained by the SALGBC (Eastern Cape) to adjudicate the matter. An appeal shall be considered and decided within ten working days after it was first lodged.
- 8.2. The arbitration shall be for the cost of Municipality.
- 8.3. The decision of the arbitrator shall be final and binding on the parties.

9. NEW POSITIONS AND SIGNIFICANTLY CHANGED POSITIONS

- 9.1. The management may place an employee that could not be placed on a close-matched or most matched basis in a position, provided that-
- 9.2. The employee selected to be placed is suitably qualified for the job; and ;
- 9.3. The employee's salary grade is subject to the position being evaluated.
- 9.4. The Municipality may, instead of placing employee in new or significantly changed positions advertise such positions in terms of its recruitment policy after they had been evaluated.


10. MISCELLANEOUS PROVISIONS

- 10.1. An employee shall retain her/his conditions of service, including remuneration, when she/he is placed, unless she/he is placed, and accepts placement, in a higher graded position.
- 10.2. If the placement of an employee relocation from her/his current work within the Municipality, such relocation shall be affected in terms of the Municipality relocation policy.

11. POLICYREVIEW ANDREPORT

11.1. The policy document shall be reviewed annually and/or when deemed necessary especially if the there is a change in Collective agreement or legislation and submitted as part of the budget approval process.

Signed on the 22 day of 06 2022



MUNICIPAL MANAGER