**Local Municipality**

**PLACEMENT POLICY**

1. **PREAMBLE**

1.1 Arising from the need to restructure the Municipality according to the functional competencies of the Municipality and to enhance effective and efficient service delivery, the re-organisation of existing staffing structures (including geographic re-deployment) may be necessary to meet the operational objectives of the municipality. All placements shall take place in accordance with the principles contained in this policy.

1.2 The contracts of employment of all staff of the Municipality will remain in place for the purposes of this policy and the result of the placement in terms of this policy.

* 1. The placement of staff shall be consistent with the Employment Equity and Skills Development Plans and the objectives of the Employment Equity Act and the Skills Development Act.
	2. The placement of staff must not
		1. have a negative impact on effective and efficient delivery of service
		2. be used as a punitive measure against employees
		3. be used to promote or demote employees

**2. ORGANOGRAM**

2.1 The Municipality has prepared an organisational structure that was submitted to the Local Labour Forum for consultation, individual comments and comments from the unions were invited and considered and a final organisational structure has been adopted by Council.

2.2 The Integrated Development Plan for the municipality was utilised to inform the process of drafting the organisational structure and the principle of structure follow strategy was applied.

2.3 In the event of a dispute regarding the content and or implementation of the adopted organisational structure, the dispute will be referred for final and binding arbitration.

**3. DEFINITIONS**

*Retrenchment/Redundant* shall mean -when an employee’s services is terminated due to operational reasons based on Section 189 of the Labour Relations Act 66 of 1995

*Close-match* shall mean – matching the job content of the existing job content of the employee with the content of the “new” post where the the closest match in respect of the job content is the successful match

*Day* shall mean – working day

**4. PLACEMENTS**

4.1 **Placement Criteria**

4.1.1 The Municipality shall endeavour to place all existing employees into posts created in new structure.

4.1.2 The Municipality are committed to ensure continuity of employment and every attempt will therefore be made to ensure that no retrenchment or 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.

4.1.3 In placing employees in the new structure, employees shall be placed on a close-match basis. In close matching a post, the job content of the “new” post must be compared with the existing job content of the employees. The employees having the closest match in respect of the job content is then the successful employee to be placed.

4.1.4 Where the close match cannot be done one hundred percent, the match must be done on the most matched job content. The focus should be on the core functions. The close match is done on job content and not job designation. Post designation may however be used as an indicator.

4.1.5 The salary and qualifications of an employee shall play no role in the placement.

4.1.6 This close match principle shall apply to unchanged, minor changed and major changed posts.

4.1.7 Where more than one employee can be close matched to a post and there are more employees than there are posts, employment equity shall have preference over length of service.

4.1.8 Employees shall not be moved from one geographical location to another location without the function which the employee is performing necessitating such movement.

4.1.9 When placed in a post such placement shall be final and constitute a permanent position.

4.1.10 Employees that cannot be placed in any of the categories of posts or are not offered an alternative post that is not reasonable will remain in the pool of the transferred employees, where after the employee shall be dealt with in terms of relevant Legislation and Rules of the relevant Pension Fund.

4.2 **Placement Committee**

Placement of employees shall be considered by a Placement Committee

provided that the Committee is composed of twelve (12) persons.

 4.2.1 Employer representation shall consist of:

4.2.1.1 Director Corporate Services (Chairperson)

 4.2.1.2 Relevant Director or his/her nominee

 4.2.1.3 Relevant Line Manager or his/her nominee

4.2.1.4 Manager Human Resources or his/her nominee

4.2.1.5 Two members assigned by Executive Management

4.2.2 The Placement Committee shall consist of equal numbers of Labour and Employer Representatives (6 employer representatives and 6 labour representatives)

* + 1. The Placement Committee will have the following terms of reference:
			1. To consider and reach consensus regarding the placement of existing employees into posts in the new organisational

structure.

* + - 1. To strive in reaching consensus on the staff placement. Where consensus cannot be reached the employer’s, decision will be upheld.
			2. A quorum shall consist of 50% of each of the two parties (Labour and Employer)
			3. An agenda shall be distributed at least seven (7) days prior to the date of the meeting
			4. All information shall be regarded as confidential until a final decision is made by the Placement Committee
			5. Any party may apply in writing to the Municipal Manager for information related to the placement of staff and no information shall be withheld without valid reason provided in writing to the requesting party
			6. That in the event of no quorum, the same principles applicable to the Local Labour Forum, shall be applicable if a special meeting is called

4.2.4 The person responsible for Employment Equity in the Municipality shall be invited to every meeting as Observer to ensure consistent application of the Employment Equity Act and Plan of the Municipality

4.3 **Notification and Publication of Decisions**

4.3.1 A notification shall be sent to each employee informing him or her of the placement process.

4.3.2 Each employee shall receive a letter indicating the proposed post in which they will be placed.

4.3.3 A copy of the structure will be available at the Human Resources Department at all times

4.3.4 All decisions on placements, whether agreed to or not shall be communicated to employees.

4.3.5 The individual employee to be placed must also be personally notified in writing. The notification must state whether the placement is by consensus of the Placement Committee or not as well as the reason for the decision.

4.4 **Placement Procedure**

 The placement will take place as follows:

**4.4.1 Classification of posts**

The Placement Committee will classify the posts in the structure into the following categories and placement in terms of these categories takes place in the following manner:

4.4.1.1 **Unchanged posts**

These are posts that have had no change to their scheduled duties or geographical location.

The municipality will be required to list these posts with the names and other forms of identification used, of the present incumbents and submit it to the Placement Committee for confirmation.

4.4.1.2 **Minor changed posts**

These are posts involving minor changes to the duty schedule, 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 municipality need to submit the names and other form of identification used to the present incumbents to the placement Committee for confirmation.

4.4.1.3 **Major changed posts**

4.4.1.3.1 These are posts which have undergone a major change to their duties and responsibilities. Wherever possible, the placement shall be on the “close match” basis.

4.4.1.3.2 These posts with the existing and proposed duties should be submitted to the Placement Committee together with the names and other form of identification, used of the employees to be placed in the posts on a “close match” basis.

4.4.1.3.3 If a major changed post cannot be filled on a close match basis, it shall be advertised internally first and shall be filled giving preference to:

(I) Internal candidates from designated groups

1. Internal candidates from the non-designated groups

4.4.1.3.4 If a major changed post cannot be filled after a round of internal advertisement, persons in the pool shall be considered for placement in the post

4.4.1.3.5 If an appointment can still not be made the post shall be advertised externally.

 4.4.1.4 **New Posts**

These are posts, which carry duties and responsibilities that do not exist in any form in the present structures. These posts shall be advertised both internally and externally and shall be filled giving preference to:

1. Internal candidates from designated groups
2. Internal candidates from the non-designated groups
3. External candidates

**5. DISPUTE APPEAL PROCESS**

5.1 Every individual employee and or trade union on behalf of their members shall have the right to refer a dispute on a placement or non-placement for arbitration. Such dispute shall be submitted to the Senior Manager Human Resources within 10 working days of date of receipt of a decision by an individual employee.

5.2 **Appeal Committee**

5.2.1 The Appeal Committee shall consist of eight (8) members

5.2.2 The Appeal Committee shall consist of equal numbers of Labour and Employer Representatives (4 employer representatives and 4 labour representatives)

* + 1. The Employer Representation shall consist of:
1. The Municipal Manager (Chairperson)
2. Senior Manager Human Resources
3. Any other two member assigned by Executive Management

5.2.4 The dispute must tabled to the Appeal Committee within 15 working days after the appeal has been received unless the parties agree to a longer period.

5.2.5 No placement is final until the appeal/arbitration process has been exhausted

5.2.6 An employee has the right to refer a dispute for arbitration in terms of Section 138 of the Labour Relation Act if the employee is not satisfied with the decision of the Appeal Committee.

5.2.7 The decision of the Appeal Committee must be availed to the employee within 5 working days after the decision has been made.

5.2.8 A quorum shall be five (5) members

5.2.9 That in the event of no quorum, the same principles applicable to the Local Labour Forum, shall be applicable if a special meeting is called

6. **POST PLACEMENT**

6.1 After the placement process has been completed, all incumbents will receive Job Descriptions for their comments and finalisation. Employees shall be given 10 working days to submit comments. Once all Job Descriptions have been finalised it will be submitted to the District Job Evaluation Task Group for grading.

7. **CONDITIONS OF SERVICE**

7.1 The staff of the municipality shall retain their current conditions of employment following placement in the new structures.

8. **GEOGRAPHICAL RELOCATION**

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

8.2 Geographical re-deployment of staff will only take place for the following sound operating and / or economic reasons:

8.2.1 The functions of the post/s are to be delivered in another geographical area.

8.2.2 The functions of the post/s may be reduced and / or combined resulting in a necessity to rationalise resources.

8.2.3 The function of the post may be abolished in that particular geographical area.

8.3 Where it is necessary to geographically re-deploy only part of a section department, the selection of employees for re-deployment in each of the affected job categories will be done in terms of the following criteria.

8.3.1 Call for volunteers from employees within each job category.

3.3.2 Should too many affected employees volunteer to be re-deployed, then selection will be done on the basis of first in, “first opportunity” (FIFO).

3.3.3 Should too few affected employees volunteer to be re-deployed, 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 re-deployment.

8.4 In the event of equivalent vacancies subsequently being advertised at the previous geographical location within a period of 12 months from redeployment, any re-deployed employee will receive preference should he apply for transfer thereto.

8.5 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 Municipality will pay the cost of removal of his household goods to his new place of residence in terms of the Municipality’s Relocation Policy.

8.6 In the case where the employee does not move his place of residence, additional travelling arrangements or costs may be negotiated with the municipality.

9. **REDUNDANCY / RETIREMENT**

9.1 The following will not constitute grounds for retrenchment/redundancy:

9.1.1 Reasonable geographical re-deployment.

**9. JOB EVALUATION**

All job descriptions shall be submitted to TASK for evaluation within six (6) months after completion of the placement process.

*Accepted by Council: E73-04/2018: 26/04/2018*