



# Dr. J.S. Moroka Local Municipality Transfer and Placement Policy

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The purpose of the policy is to apply consistent, transparent, procedurally and substantively fair transfer and placement procedures.



## **PPREAMBLE**

With this in light the Municipality has also identified that placement of staff should form part of this policy as in their case the organisation design may have resulted in new focus areas causing certain positions to be re-looked, cancelled or revised.

Dr. J.S Moroka Municipality has developed this policy in order to formalize its Placement Process based on the above background.



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### ***Policy Statement***

The overall aim of the placement process is to attract, obtain and retain people with required competencies at minimum cost in order to satisfy the manpower needs of the Municipality.

Placement is also attuned to establishing a positive image of the Municipality as an employer in the labour market.

This policy has been developed in line with section 66 of the Municipal Systems Act as amended which specifically enjoins the Municipal Manager to develop a staff establishment for his/her Municipality.

The Labour Relations Act, as amended, prohibits discrimination in recruitment, selection and placement and derives its jurisprudence both from the Conventions and Recommendations of the International Labour Organisation, as well as from the new Constitution.

The placement of suitable candidates could be as the result of:

- The reviewed organogram that have been developed for the Municipality and having to place existing staff within such organogram, or
- Placing staff recruited during a special recruitment drive or process, such as application of sec 197 of the Labour Relations Act (Act No 66 of 1995).



## 1. DEFINITIONS

All expressions used in this Policy, which are defined in the Labor Relations Act, 1995 (Act No 66 of 1995), shall bear the same meanings as in the act and unless the contrary intention appears, word importing the masculine gender shall include the feminine.

- 1.1. "Candidate" means an applicant for a post.
- 1.2. "Council" means the Executive Council of Dr. J.S Moroka Local Municipality.
- 1.3. "Municipality" means the Dr. J.S Moroka Local Municipality.
- 1.4. "Recruitment" refers to the set of activities undertaken by the Human Resources Management Department to attract sufficient job candidates who have the necessary potential and competencies needed to assist the Municipality achieve its objectives.
- 1.5. "Competency" refers to knowledge, skills, attitude or behaviour of the candidate.
- 1.6. "Reference check" means the process of gathering information about the candidate's work history from people/institutions/organisations with whom the candidate has been associated.
- 1.7. "Selection" is the process of making a choice from a list of candidates, the person or persons who best meet the selection criteria or the set performance standards for the available position.
- 1.8. "Transfer or Placement" refers to the process of placing or putting the selected people into jobs.
- 1.9. "Union" refers to a trade union or employee association recognised by the Municipality.

## 2. SCOPE OF APPLICATION

- 2.1. The terms of this policy and implementation guidelines shall be applicable to all permanent employees in service of Dr. J.S Moroka Local Municipality.
- 2.2. Municipal Managers and managers directly accountable to Municipal Managers in terms of section 56 and 57 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) are excluded from this policy.



### **3. PURPOSE**

- 3.1. To apply consistent, transparent, procedurally and substantively fair recruitment and selection procedures;
- 3.2. To give effect to fair recruitment, selection, and placement processes;
- 3.3. To ensure that the process complies with the relevant legislation.
- 3.4. To provide an effective system that is to be used by Dr JS Moroka Local Municipality in filling vacant positions;
- 3.5. To provide guidelines for the systematic process through which line managers can request the approval for filling of vacancies;
- 3.6. To ensure that all candidates are selected objectively and on merit;
- 3.7. To attract, obtain and retain people with the required competencies;
- 3.8. To ensure that a continuous supply of high quality human material is available to meet the Municipality's immediate and future human resource needs;
- 3.9. To establish or cultivate a positive image of Dr JS Moroka Local Municipality as an employer in the labour market;
- 3.10. To market the Local Municipality's careers in order to attract sufficient number of potential employees for selection.
- 3.11. To minimize the situation where employees find themselves structurally unemployed (mismatch)

### **4. LEGAL FRAMEWORK**

- 4.1. Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996)
- 4.2. • Municipal Systems Act, 2000 (Act No. 32 of 2000)
- 4.3. • Municipal Structures Act, 1998 (Act No. 117 of 1998)
- 4.4. • Municipal Finance Management Act, 2003 (Act No. 56 of 2003)
- 4.5. • Labour Relations Act, 1995 (Act No. 66 of 1995)
- 4.6. • Employment Equity, 1998 (Act No. 55 of 1998)



- 4.7. • Skills Development Act, (Act No. 97 of 1998)
- 4.8. • Local Government: Municipal Staff Regulations, 2021
- 4.9. • Local Government: Guidelines for the Implementation of the Municipal Staff
- 4.10. Regulations, 2021
- 4.11. • Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997)
- 4.12. Code of Good Practice on the Regulation of Working Time
- 4.13. Government Gazette No 36620 and 37795
- 4.14. SALGBC Main Collective Agreement
- 4.15. Mpumalanga Collective Agreement on Conditions of Services, 2018.

## 5. APPLICATION OF THE POLICY

- 5.1. This policy is applicable and binding to both the Municipality and all employees, and shall become operative on the date that it is approved by Council.
- 5.2. This policy shall not be applicable to positions specifically created for the purpose of pursuing a special project undertaken by the Municipality.

## 5 Placement

### 5.1. Placement from Recruitment (Consultation/Persuasion)

Successful placement means that everything possible has been done to ensure that the right person have been recruited and placed in the right position on the Organogram and that the right process was followed.

During the Selection and Placement process the Committee and/or Head of Department involved must use the approved Organogram, job and person specification and compare it with the credentials of the available applicants to determine who would best suit the position.

### 5.2 Placement as a result of the reviewal Organogram

The SALGA Policy Guidelines on the Placement of Staff dated 1 November 2001 as amended from time to time should be followed during placement. These guidelines are



incorporated as Annexure 1 to this policy but any amendments after 1 November 2001 should be taken into account.

The following are the main extracts from that policy that needs to be adhered to:

a) People follow Functions

This principle entails that employees are not moved from one geographical location to another without the function that the employee is performing necessitating such movement.

b) Empty the Poll First

Every attempt shall be made to place existing employees first into the new posts that have been created in the new structures. Only after this exercise, the post shall be filled with the most suitable external candidate.

c) Permanent Placement

Employees are to be placed in the new structure on a permanent basis. Every attempt must be made to ensure that no retrenchment/redundancy will occur, provided that the effected employees are willing to accept alternative positions that are offered.

d) Close Match Placement

Employees are to be placed in the reviewed structure on a close-match basis. As indicated above the job content of the “new” post is compared to the existing job content of employees and the person with the closest match is then the successful employee to be placed. Close match is done on job content and not job designation. Salary plays no role in placement process.

e) Other Factors

Where more than one employee can be closed matched and there are more employees than posts, the provisions of the Employment Equity Plan of the Municipality must be the overriding factor that will decide placement.

f) Placement Procedures

The Municipality shall follow the Placement Procedures regarding the following as set out in the SALGA Policy Guidelines on the Placement of Staff (Annexure 1):

- Placement Committee – Section 3.5
- Publication of Decisions – Section 3.6
- Placement Procedure – Section 3.7
- Dispute & Objection Process – Section 4
- Job Evaluation – Section 5
- Geographical Relocation – Section 7
- Redundancy & Retrenchment – Section 8





### **5.3. Administrative Procedures**

Following the successful placement of staff the following administrative procedures need to follow:

- Letter of Appointment/Placement

A letter of appointment/placement should be written and handed to the successful person indicating:

- A congratulation with the appointment/placement
- Effective date of the appointment/placement
- The correct job title
- The Department, Division and Section where placed, and the reporting structure
- The applicable salary notch and scale, as well as applicable benefits
- Documentation required that need to be handed in on the commencement date of the new appointment/placement
- Who should be contacted in case of further enquiries
- A copy of the letter of appointment/placement to be signed as acceptance by the appointed/placed person.

A personal file for the person must be opened in which all relevant documentation can be filed.

The appointed/placed person must be taken on an orientation tour by his/her Supervisor and all the relevant issues needs to be discussed between them i.e. going through the job description to ensure everything is fully understood; discussing the lines of command, conditions of service; leave, Code of Conduct and the actual workplace. The new appointee/placed person must be given ample opportunity to ask questions and receive answers.

If the appointed/placed person would be subjected to a Mentoring Programme, he/she must be introduced to the Mentor and they should then proceed with compiling the Mentoring Programme as prescribed in the Training and Development Policy or Works Skills Plan.

The conditions of services remain unchanged, unless the post to be place have a different condition due to inherent requirements, wherein the employer and employee must agree on before employee resumption.

### **5.4. Implementation**

The placement of employee (s) will be at the discretion of the employer after thorough assessment of the placement request or need. The placement will be in line with the needs of the organization and the individual employee(s).



## ANNEXURE 1

### SALGA Policy Guidelines on The Placement of Staff

**SOUTH AFRICAN LOCAL GOVERNMENT ASSOCIATION [SALGA]**  
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1 November 2001

#### SALGA POLICY GUIDELINES ON THE PLACEMENT OF STAFF

#### BACKGROUND

The policy on the placement of staff is intended to provide guidelines. It is noteworthy that Section 57 of the Municipal Systems Act makes provision 'for those persons to be appointed and not placed in those designated posts. Those persons therefore fall outside the ambit of the placement policy.

The placement of staff must be consistent with applicable labour legislation.

The placement of staff must not

- 2.1 disrupt the effective and efficient delivery of services
- 2.2 be used as a punitive measure against employees
- 2.3 be used to promote or demote employees

**During the placement process no additional remuneration must be paid in any form to any employee. The issue of parity must not be addressed during this process. This will be dealt with at a national level.**

#### 1. STATEMENT OF INTENT

The parties accept that:

- 1.1 Arising from the need to restructure local government and functions within the applicable demarcated areas, the re-organisation of existing staffing structures [including geographic re-deployment] shall be necessary to meet operational objectives to service delivery. All restructuring shall take place in accordance with the principles contained in this policy.



1.2 The contracts of employment of all staff of the disestablished municipalities have been transferred, as part of a going concern, to the newly established municipalities in terms of Section 197 of the Labour Relations Act as from 6 December 2000.

1.3 The placement of staff shall be done in a manner that is consistent with *any* existing Employment Equity and Skills Development Plan as enshrined in the objectives of the Employment Equity Act and the Skills Development Act.

## 2. ORGANOGRAMS

2.1 The municipality shall prepare the envisaged final organograms of all departments and submit this proposal to the Local Labour Forum for consultation.

2.2 Where it is not possible at this stage to prepare final organograms, the temporary deployment of staff shall take place in terms of structures prepared on a 'cut and paste' basis.

2.3 The IDP for the municipality shall inform the organogram and the principle of 'structures follow strategy' shall apply.

## 3. Placements

### 3.1 People follow functions

The application of this principle entails that employees are not moved from one geographical location to another location without the function which the employee is performing necessitating such movement.

### 3.2 Empty the pool first

Every attempt shall be made to place the existing employees that were transferred in terms of Section 197 Labour Relations Act, first into the post that will be created in the new structures. If no placement in terms of the agreed to criteria can be made, the employer will advertise the post and fill the post with the most suitable external candidate.

New and major changed post and identified strategic important posts will be advertised both internally and externally and an appointment will be made in terms of the appointment criteria.

Employees are to be placed in the structure on a temporary and permanent basis.

The parties are committed to ensure continuity of employment and every attempt will therefore be made to ensure that no retrenchment/redundancy will occur provided that



the effected 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.

### **3.3 Close match placement**

Employees are to be placed in the new structure on a close-match basis.

In close matching a post, the job content of the 'new' post is compared to the existing job content of the employees.

The employee having the closest match in respect of the job content is then the successful employee to be placed, e.g. a typist will be close matched to a typist post, a labourer to a labourer.

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 crux of the job, e.g. an accountant job content will be matched against a post that contains the most stipulations reflecting accounting duties.

The close match is done on job content and not job designation. Post designation shall, however, be used as an indicator.

### **3.4 Additional factors**

Where more than one employee can be close matched to a post and there are more employees than there is posts, the following factors will be used to facilitate the placement decision:

The provisions of the Employment Equity Act and Affirmative Action must be the overriding factor that will decide placement and preference to the placement of designated persons must strictly be adhered to.

### **3.5 Placement Committee**

Municipality must create a Placement Committee consisting of equal numbers e.g. Trade Union and Employer representatives.

The Committee should compose of at least four [4] but not more than eight [8] members e.g. 2 per side or four [4] per side.

The Placement Committee will have the following terms of reference:

- ❖ "To consider and reach consensus regarding the placement of existing employees into posts in the structures."



- ❖ The Placement Committee shall strive to reach consensus on the staff placement. Where consensus cannot be reached the Municipality proposal will be published.

### **3.6 Publication of Decisions**

All decisions, whether by consensus or in the case of no consensus, the Municipality's decision, shall be communicated to employees by means of internal communication structure. publications in a circular specifically for this purpose and shall be displayed on general notice boards located at places agreed upon by the Unions.

The individual employee to be placed will be notified in writing by way of a personalised placement/transfer letter.

### **3.7 Placement Procedure**

The placement will take place as follows:

#### **3.7.1 Classification of posts**

The Placement Committee will classify the posts in the structure in the following four categories.

Placement in terms of these categories takes place in the following manner:

##### **3.7.1.1 Unchanged posts**

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

The municipalities will be required to merely 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.

##### **3.7.1.2 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 municipalities need to submit the names and other form *of* identification used *of* the present incumbents to the Placement Committee for confirmation.

##### **3.7.1.3 Major changed posts**



These are posts that have undergone a major change to their duties and responsibilities. This will necessitate that the post be evaluated.

#### **3.7.1.4 New posts**

These are newly established posts to be filled by existing employees on a placement arrangement.

These are posts that carry duties and responsibilities that do not exist in any form in the present structures.

These posts with the detailed duty schedules must be submitted for evaluation to determine the task grade, which will guide in terms of remuneration.

These posts will then be advertised both internally and externally and appointment will be made in terms of the appointment criteria.

### **4. DISPUTE/OBJECTION PROCESS**

Objection must be lodged within 10 working days of the Placement Committee's publication/ notification or date of receipt of the placement letter by the individually placed employee.

#### **4.1 Objection Committee**

The Objection Committee shall consist of an equal number of employers and Trade Union representatives appointed by the Provincial Divisions of the SALGBC.

The Objection Committee shall consider the objection, taking into account the points raised by the objector, and shall apply the same criteria, process and procedures as the Placement Committee.

The Objection Committee shall pronounce on the objection within 15 working days from receipt of the objection.

### **5. JOB EVALUATION**

Within 1 year of the completion of the placement, Job Evaluation Committee of the Bargaining Municipality shall evaluate all the posts of the municipality in accordance with the agreed national job evaluation system.

### **6. CONDITIONS OF SERVICE**



6.1 All employees transferred shall, from the commencement date of the new role in the municipality, be subject to the following:

6.1.1 No interruption in Conditions of Employment or service shall occur. All employees shall retain their benefits as if their services were not interrupted.

6.1.2 All staff of the municipality shall retain all their current conditions of employment following placement in the structures until rationalization of such conditions of employment has been completed within the bargaining Municipality and the evaluation of all posts in terms of clause 5 above.

6.1.3 Notwithstanding the provisions of 6.1.1. the salaries and benefits of staff shall be adjusted in accordance with any collective agreements concluded in the central bargaining council.

## 7. GEOGRAPHICAL RELOCATION

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

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

7.2.1 The functions of the posts are to be delivered in another geographical area.

7.2.2 The functions of the posts shall be reduced and/or combined resulting in a necessity to rationalise resources.

7.2.3 The functions of the post may be abolished in that particular geographical area.

7.3 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:

7.3.1 Call for volunteers from employees within each job category.

7.3.2 Should too many affected employees volunteer to be redeployed, then selection will be done on the basis of "first in, first opportunity" [FIFO].

7.3.3 Should too few affected employees volunteer to be deployed, then selection will be done on the basis of "last in first cut" [LIFO], i.e. the employees with the shortest service in the job category concerned will be selected for re-deployment.



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

7.5 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 concerned will pay the cost of removal of his household goods to his new place of residence.

7.6 In the case where the employee does not move his place of residence, additional travelling arrangements or costs shall be negotiated with the municipality, based on sound economic reasons.

## 8. REDUNDANCY/RETRENCHMENT

The following will not constitute grounds for retrenchments/redundancy:

8.1 Reasonable geographical re-deployment.

8.2 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.

## 6. Terms of Reference

During the process of developing this Policy careful consideration was made in ensuring that it was inline and within guides and frameworks of all relevant acts and policies.

The following documents and sections have been used and hereby recognition provided:

- I. Municipal Systems Act 32 of 2000
- II. Bargaining council resolution on Job Evaluation of 2002
- III. Collective agreement Resolution 2009
- IV. Employment Equity Act 55 of 1998.
- V. Circular 2 of 2012 SALGA
- VI. Circular 12 of 2012 SALGA
- VII. Municipal Staff Regulations, 2021

## 7. *Signing and approvals*

Policy Section	
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Current update	
Previous review	
Signature by Union Representatives	IMATU
	SAMWU
Signature By Municipal Manager	
Signature By Mayor	
Date adopted by Council	

## 9. TRANSFER

Refer to Clause 25 of the Municipal Staff Regulations (2021) and the municipal Transfer and Placement policy.

The purpose of this framework is to provide the parameters within which personnel mobility within the municipality will be dealt with.

An employee must be in his or her current position at least twelve (12) months and be in good standing before he or she is eligible to apply for a transfer. The twelve months waiting requirement may be waived if the position is being adversely affected due to a reduction in the work force or job elimination, or if there is significant change in the terms and conditions of employment (e.g. work schedule, hours, salary, status, etc.).

In all cases, the employee's work record, including but not limited to performance, attendance, efforts to develop skills and related behavior will be used as valid criteria for determining suitability for a position.

In consideration of the above factors, prior to a final offer employees must provide relevant documentation that supports recent performance history and also academic records. For all positions, consideration will be given to the employee's demonstrated interpersonal skills, among other job-related factors, before making a final decision. Deficiencies in such skills or job-related factors may eliminate an individual from further consideration.

### 9.1. SCOPE OF APPLICABILITY, STATUTORY AUTHORISATION AND DEVIATIONS

The municipality should have a fair and impartial transfer policy which should be known to each employee. The responsibility for effecting transfers is usually entrusted to a Municipal Manager with power to prescribe the conditions under which requests for



transfers are approved. Care should be taken to ensure that frequent or large-scale transfers are avoided by laying down adequate selection and placement procedures for the purpose. A good transfer policy should:

1. Can be initiated by the employer of prospective transferee;
2. Specifically clarify the types of transfers and the conditions under which these will be made;
3. Locate the authority in some officer who may initiate and implement transfers;
4. Indicate whether transfers can be made only within a sub-unit or also between departments, divisions/plants;
5. Indicate the basis for transfer, i.e., whether it will be based on seniority or on skill and competence or any other factor;
6. Decide the rate of pay to be given to the transferee, if any applicable;
7. Intimate the fact of transfer to the person concerned well in advance;
8. Be in writing and duly communicated to all concerned;
9. Not be made frequently and not for the sake of transfer only.

### 9.2. REASONS FOR EMPLOYEE TRANSFERS:

1. To avoid favoritism and nepotism.
2. To avoid gaining capacity of influencing and egocentrism.
3. To avoid monotony in the work of an employee.
4. Makes an employee accountable to his seat, so as not to find mistake by his successor.
5. So as to avoid excess dependency on particular employee, otherwise may affect the purpose of hierarchy and lose control over subordinates.
6. To create transparency among the employees and their work.
7. It limits taking advantage and sole control over the seat or section.
8. To avoid unnecessary influence on others for their own advantage.
9. To make conversant of different seats work.
10. To maintain healthy relationship in between all the staff members to retain harmonious environment to avoid unnecessary disputes.

### 9.3. INTER-MUNICIPAL TRANSFER

**Employee Responsibilities:** Prior to initiating a transfer, it is recommended that the interested employee advise his/her immediate supervisor that he/she is interested in other opportunities outside of the department/unit.

**Employer's responsibilities:** the Municipal Manager, as the representative of the employer will after careful consideration approve or disapprove the request. Feedback should be provided to the applicants in any instance (either approved or not approved).



#### 9.4. TYPES OF TRANSFERS

- a) **Production transfers:** Such transfers are made to meet the company requirements. The surplus employees in one department/section who are efficient might be absorbed in other place where there is a requirement. Such transfers help to stabilise employment.
- b) **Replacement transfers:** This takes place to replace a new employee who has been in the organization for a long time and thereby giving some relief to an old employee from the heavy pressure of work.
- c) **Versatility transfers:** It is also known as rotation. It is made to develop all round employees by moving them from one job to another. It also helps to reduce boredom and monotony.
- d) **Personnel or remedial transfers:** Such a transfer is made to rectify mistakes in selection and placement. As a follow up, the wrongly placed employee is transferred to a more suitable job.
- e) **Shift transfers:** This is pretty common where there is more than one shift and when there is regularised rotation.
- f) **Voluntary transfers** – This happen wherein the employee make a request to the employer to horizontally transfer him/her.

Council Resolution: **R216.03.2023 ND**

Date of Approval: **30<sup>th</sup> March 2023**

Accounting Officer Signature: \_\_\_\_\_