



CONTRACT APPOINTMENT POLICY

Date Approved:	DD MM YYYY	Council Resolution (DC No):	DC ?/?/?/?/?/?/?/?
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1. Introduction

Garden Route District Municipality strives to attract and appoint the most suitable candidates, creating and maintaining a diverse workforce for all posts. Garden Route District Municipality recognise that staff is its most important asset in ensuring that effective, efficient services are delivered to the community it services in accordance with objectives and priorities as set out in its Integrated Development Plan (IDP).

This Policy is applicable for the contract appointment process as identified on the approved organizational structure.

Definitions

All definitions used in this policy are defined in the Main Collective Agreement of the South African Local Government Bargaining Council (SALGBC) of 1 July 2015 until 30 June 2020, unless stated otherwise with the relevant definition.

Words indicating the masculine gender shall include the feminine gender.

Black People (as per Employment Equity Act 55 of 1998) – “is a generic term which means Africans, Coloureds and Indians”

Candidate for the purposes of this policy is an applicant for a post

Competency for the purposes of this policy refers to knowledge, skills, attitude or behavior pertinent to the position

Council - “means Garden Route District Municipality”

Day – “means Monday to Friday, excluding public holidays, unless indicated otherwise by the context”

Designated group (as per Employment Equity Act 55 of 1998) - “means black people, women and people with disabilities”

Earnings threshold (as per Collective Agreement on Conditions of Service) – “means the top notch of the salary scale (T-grade) within which the Basic Conditions of Employment Act, 1997 earnings threshold determination falls, as amended from time to time”

Employee – “means any person, excluding an independent contractor who works for another person or for the State and who receives, or is entitled to receive, any remuneration” (Main collective agreement definition)

(as per Employment Equity Act 55 of 1998) – “(b) means any other person who in any manner assists in carrying on or conducting the business of an employer”

Employer - "means Garden Route District Municipality"

Essential job requirement for the purposes of this policy is the skills, knowledge or experience that are necessary to perform a job as defined in the Job Description

Fixed term contract employee for the purposes of this policy is a person who is employed on a contract that includes an agreement detailing the relationship between the employer and employee, which is determined by an objective condition that creates no false expectations of renewal of the contract, and is based on a specific duration or time frame with dates or the completing of a specific task, project or event, other than the normal agreed retirement age.

Headhunting for the purposes of this policy is the process of selecting individuals with a proven track record (reputation, work history, professional acquaintance and minimum academic qualification) within a particular occupational category field relevant to the job description, who can be evaluated to fill a vacant post.

IMATU – "means the Independent Municipal and Allied Trade Union"

Job Description (as defined in the Task Memorandum of Understanding) – "means a job description, as contemplated in section 66 of the MSA, describing the content, duties, reporting lines and other specifications of a position or job"

Medical Practitioners – "means all practitioners as defined by the Health Professions Council of South Africa (Medical and Dental Practitioners)"

Medical surveillance (as per Occupational Health and Safety Act 85 of 1993) – means a planned programme of periodic examination (which may include clinical examinations, biological monitoring or medical tests) of employees by an occupational health practitioner or, in prescribed cases, by an occupational medicine practitioner"

Medical testing (as per Employment Equity Act 55 of 1998) - "includes any test, question, inquiry or other means designed to ascertain, or which has the effect of enabling the employer to ascertain, whether an employee has any medical condition". (As per statutory requirement or validated by the Health Professional Council of SA and as per ruling of the Labour Court)

Municipality - "means Garden Route District Municipality"

Occupational Health (as per Occupational Health and Safety Act 85 of 1993) – includes occupational hygiene, occupational medicine and biological monitoring"

Occupational Health Practitioner (as per Occupational Health and Safety Act 85 of 1993) – means an occupational medicine practitioner or a person who holds a qualification in occupational health recognized as such by the South African Medical and Dental Council as referred to in the Medical, Dental and Supplementary Health Service

Professions Act, 1974 (Act 56 of 1974), or the South African Nursing Council as referred to in the Nursing Act, 1978 (Act 50 of 1978)

Occupational Qualification (as per Skills Development Act 97 of 1998) – means a qualification associated with a trade, occupation or profession resulting from work-based learning and consisting of knowledge unit standards, practical unit standards and work experience unit standards"

Occupational Qualification Framework (as per Skills Development Act 97 of 1998) – means the sub-framework for occupational qualifications which forms an integral part of the National Qualifications Framework"

Office Bearer – "means the elected president, deputy president, vice-president, chairperson, vice-chairperson, treasurer or secretary of the Trade Unions"

Official – "means a full-time employee of IMATU, SAMWU or SALGA"

People with disabilities (as per Employment Equity Act 55 of 1998) – "means people who have a long-term or recurring physical or mental impairment which substantially limits their prospects of entry into, or advancement in employment"

Reasonable accommodation (as per Employment Equity Act 55 of 1998) - "means any modification or adjustment to a job or to the working environment that will enable a person from a designated group to have access to or participate or advance in employment"

Recruitment for the purposes of this policy is the set of activities undertaken by the Corporate Services Department to attract sufficient job candidates who have the necessary potential and competencies needed to assist Garden Route District Municipality achieve its strategic objectives as defined in the Integrated Development Plan.

Reference check for the purposes of this policy will be applicable for appointments longer than 1 month.

Registered Medical Practitioner (as per Collective Agreement on Conditions of Service) – "means a person entitled to practice as a medical practitioner in terms of section 17 of the Medical Dental and Supplementary Health Services Professions Act, 1974 (Act 56 of 1974)"

Regulation of Non-Standard Employment and General Provisions (as per Labour Relations Amendment Act, 2014, Section 198 (b-d) -

Section 198B – Fixed term contracts with employees earning below earning threshold

Section 198C – Part-time employment of employees earning below earning threshold

Section 198D – General provisions applicable to sections 198A to 198C

Representative Trade Union – “means the registered Trade Unions recognized by the South African Local Government Bargaining Council.

SALGA – “means the South African Local Government Association”

SAMWU – “means the South African Municipal Workers’ Union”

Suitably qualified person (as per Employment Equity Act 55 of 1998) – “means a person contemplated in sections 20(3) and (4);

20 (3) a person may be suitably qualified for a job as a result of any one of, or any combination of that person's-

(a) formal qualifications;

(b) prior learning;

(c) relevant experience; or

(d) capacity to acquire, within a reasonable time, the ability to do the job.

20 (4) when determining whether a person is suitably qualified for a job, an employer must-

(a) review all the factors listed in subsection (3); and

(b) determine whether that person has the ability to do the job in terms of any one of, or any combination of those factors.”

Selection for the purposes of this policy 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 position available

Temporary Employee – “means an employee appointed for a specified period of time or to complete a specified task in terms of his contract of employment and which includes a casual employee”

Workplace – “Municipal office where official is stationed at”

2. Purpose

The purpose of this policy is to provide principles for the recruitment and selection of temporary employees taking into account that the operational needs for temporary employment differs from filling vacancies on a longer term/permanent on the approved organizational structure.

3. Principles

3.1. The following principles will apply in the implementation of this policy:

- Transparency, confidentiality, objectivity, ethical and non-discriminatory.

3.2. The above-mentioned principles will be underpinned by the following:

- a) Align its human resources with the strategic and operational needs of Garden Route District Municipality.
- b) Each appointment must be rationally and objectively justifiable by reference to the strategic and operational needs of the Employer as reflected in the IDP.
- c) To determine the relevant reporting and managerial structures of the organization for the recruitment and selection process.
- d) All aspects of staffing, structuring, recruitment, selection, interviewing and appointment of employees will be non-discriminatory and will afford applicants equal opportunity to compete for vacant positions, except as provided in this policy with reference to affirmative action and employment equity.
- e) With reference to the Constitution of South Africa Act No 108 of 1996 as amended and the provisions of Chapter II of the Employment Equity Act No 55 of 1998, under no circumstances should any person be refused employment on any arbitrary or discriminatory basis, including but not limited to race, gender, sex, pregnancy, marital status, family responsibility, ethnic or social origin, colour, sexual orientation, age, disability, religion, HIV status, conscience, beliefs and/or opinion, taking into account the provision of Chapter III of the Employment Equity Act No 55 of 1998 as well as the Code of Good Practice on the Integration of Employment Equity into Human Resource Policies and Practices (Published on 04 August 2005).
- f) Garden Route District Municipality is a designated employer in terms of the Employment Equity Act, and as such preference will be given to suitably qualified candidates who are members of designated groups as defined in section 1 of the Employment Equity Act No 55 of 1998.
- g) Garden Route District Municipality recognizes the intentions of the South African Qualifications Authority Act No 58 of 1995, one of which is to provide for a national qualifications framework giving recognition to prior learning.
- h) Selection criteria shall be objective and related to the inherent requirements of the job and the realistic future needs of Garden Route District Municipality.

- i) The central guiding principle for selection shall be competence in relation to the inherent requirements of the job, provided that selection shall favour, as determined by the targets, suitably qualified applicants as defined in Section 20(3) of the Employment Equity Act.
- j) Unless statutory qualifications are clearly justified as essential for the job, relevant experience/performance, training (internal/external) as reflected and measured through competencies and potential for the prospective vacancy shall be an important criterion
- k) Canvassing, i.e attempting to solicit the influence of any person who could substantially influence the selection process by job applicants, or any other person on behalf of job applicants, for posts within the Council's service, is prohibited and evidence thereof will disqualify such person's application for that appointment.

The purpose of the policy is to provide principles for the recruitment and selection of temporary employees taking into account that the operational needs for temporary employment differs from filling vacancies on a longer term/permanent on the approved organizational structure.

4. Policy

The objective of this policy is the regulation of the appointment of Temporary Staff. Such temporary appointments are subject to the provisions of the Basic Conditions of Service Act and the Labour Relations Act as well as the regulations of this policy.

- 4.1. To ensure a fair process that ensures consistency in the recruitment and selection of temporary staff.
- 4.2. To recognize the operational requirements for the temporary employment contracts.
- 4.3. To ensure that unemployed low-skilled or semi-skilled members of the community have fair access to temporary employment as part of the municipality's contribution to job creation.
- 4.4. To ensure applicants are protected from both corruption and nepotism during the processes of accessing job opportunities.

- 4.5. Employment Equity principles – in terms of race, gender and disability must be strictly adhered to.
- 4.6. A database will be used for short term contract appointments less than three months.
- 4.7. If a contract period is longer than three (3) months the following justifiable reasons will be appropriate:(198B:4 Nine(9) Justifiable Reasons)
- a) *is replacing another employee who is temporarily absent from work;*
 - b) *is employed on account of a temporary increase in the volume of work which is not expected to endure beyond twelve (12) months;*
 - c) *is a student or recent graduate who is employed for the purpose of being trained or to gaining work experience in order to enter a job or profession;*
 - d) *is employed to work exclusively on a specific project that has a **limited or defined duration**;*
 - e) ***is a non-citizen who has been granted a work permit for defined period**;*
 - f) *is employed to perform seasonal work;*
 - g) *is employed on an official public work scheme or similar public Job creation scheme;*
 - h) *is employed in a position funded by an external source for a limited period;*
or
 - i) *as reached the normal or agreed retirement age applicable in the employer's business.*
- 4.8. In terms of the amendments to the Act, employees can only be engaged on a fixed-term contract or successive fixed-term contracts if;
- a) *"The employer can demonstrate "any other justifiable reason"*
- 4.9. Fixed term contracts with employees earning below the earnings threshold (section 198B) means;
- 4.9.1. Contract of employment that terminates on –
- a) the occurrence of a specified event;
 - b) the completion of a specified task or project; or
 - c) a fixed date, other than an employee's normal or agree retirement age subject to subsection (3)

This section does not apply to employees earning in excess of the threshold prescribed by the Minister in terms of section 6(3) of the Basic Conditions of Employment Act;

5. Policy Statement

Heads of Departments may request the appointment of temporary employees and must be motivated by the employer department in terms of operational needs. All temporary appointments will be effected on conditions that the Department: Finance verifies that funding is available.

A Temporary appointment may be effected where a permanent employee is on maternity leave or in instances where a permanent employee is/will be absent from work for a prolonged period due to for example medical boarding or an illness.

The temporary recruitment and selection policy is aimed at creating capacity to enhance effective and efficient service delivery.

Changes to the Basic Conditions of Employment Act, 75 of 1997 (as amended) may lead to changes of this policy and the policy must be revised annually.

6. Scope Of Policy

This policy applies to all unemployed job seekers appointed in the municipality on a temporary basis for contracts of less than (12) months and excludes employees from the Extended Public Works Program, specific job creation projects, or any other Provincial or National government driven projects.

7. Legislative Framework

- South African Labour Guide
- Employment Equity Act 55 of 1998
- Basic Conditions of Employment Act 75 of 1997 updated 2005 (BCEA)
- SALGBC Collective Agreement on Conditions of Service for the Western Cape Division
- Labour Relations Act No.6 of 2014: Government Gazette no. 37921. Implemented 1 January 2015

8. Process

8.1. FIXED TERM CONTRACT FOR LONGER THAN TWELVE (12) MONTHS

- a) Vacancy should be advertised on the municipalities website and social media platforms
- b) The vacancy must be advertised for seven (7) working days on the web site and the social media platforms of the municipality
- c) Longlist must be captured by the Recruitment and Selection section
- d) Shortlisting meeting should be conducted by the user department, trade unions and Recruitment official

- e) Shortlisting must be conducted in line with the municipality's EE Targets and the minimum requirements of the vacancy
- f) A maximum of three candidates should be shortlisted per vacancy
- g) Interviews should be conducted with the shortlisted candidates
- h) Appointment memo should be drafted for approval by the Municipal Manager

8.2 SHORT TERM CONTRACTS FROM ONE(1) MONTH UP TO TWELVE (12) MONTHS

- a) Appoint from unemployment database
- b) User department and trade unions and recruitment official must together go through the unemployment database and nominate person
- c) Nomination should be done in line with EE and in terms of top to bottom of the list of the database and specialized skills required
- d) A person can't be nominated more than once in an annual year
- e) Requirement for temporary appointment based on operational requirements and the availability of funds
- f) The persons in 8.2 shall make a recommendation to the Municipal Manager with the name of the nominated person
- g) User department write a memo to the Municipal Manager with the name of the nominated person for approval
- h) Signed memo to be submitted to contracts office for implementation
- i) Approval by the Executive Manager of Department or Municipal Manager

9. Interns/ WIL/ Students / Learnership / Apprenticeship

- a) Request training department to advertise opportunity on municipal website and social media for five (5) working days, Graduates shall submit their application letters from learning institutions for acceptance to do internships in the Municipality, attaching their curriculum vitae, copies of qualifications, and copies of their identity documents.
- b) In the event of interns/students referred from other governmental institutions (for example National or Provincial Treasury or any other institution/department), such requests can be considered by the Municipal Manager in the spirit of Intergovernmental Relations.
- c) Nominate preferred candidate who meets the minimum requirements and falls within the EE Targets
- d) Selection of candidate should be done with the following stakeholders (Relevant Department, HR, Unions, Skills Development facilitator)
- e) If there IS more than one candidate that meets the minimum requirements Priority shall be given to those graduates who are from disadvantaged groups and EE Targets preference should be given to candidates that resides in the Garden Route District.

- f) When there is more than one candidate interviews should be conducted and if there is only one candidate no interviews will be conducted
- g) The number of graduates selected for internships shall be determined by the Municipal Manager on an annual basis
- h) Relevant study area and good study record shall be among the selection criteria
- i) User department write a memo to the Municipal Manager with the name of the nominated person for approval
- j) Signed memo to be submitted to contracts office for implementation
- k) Approval by the Executive Manager of Department or Municipal Manager
- l) The Financial Assistance Policy makes provision under section 11 (11.4) for Students/ Interns that are financially assisted to do their practical training at the Garden Route District Municipality. The Municipal Manager may, where necessary, depending on organisational operational requirements offer bursary students, interns, apprentices and learners an opportunity to do experiential learning (i.e. shadowing, in-service training etc) within the scope of other related policies.

9.1. Placement of Interns / Students

- a) Human Resource Management shall be responsible for co-ordinating the placing of interns within the different departments.
- b) Interns shall be placed according to the relevant qualifications or field of studies relevant to the Municipality.
- c) Departmental Heads shall ensure that whenever interns are placed, they are not involved in handling sensitive and / or confidential information such as handling departmental funds, investigating labour relations cases, or fraud and corruption cases.
- d) Emphasis shall be placed on filling gaps or scarce skills that exist in the Municipality
- e) Transfer of interns across different functional areas shall be avoided to ensure continuity and adherence to the internship contract. In cases where there is a critical need to do transfers; Human Resources Management shall be informed of such changes.
- f) The working environment shall be made conducive for learning and development, i.e. an intern shall be engaged in both simple and complex projects.

9.2. Induction of interns / Students

- Induction of interns is the responsibility of line managers and supervisors within relevant departments.

9.3. Managing internship / student programme

- Internship programme shall be shaped and managed to reflect the particular work organisation within the Municipality. The responsibility for the interns is the function of relevant managers / supervisors / mentors, and Human Resource Management.

9.4. Human Resource Management

- a) Facilitate and co-ordinate internship programmes across the Municipality
- b) Develop contracts between the Municipality and the interns
- c) Provide orientation programmes for interns
- d) Put in place monitoring, assessment and evaluation methods for the internship programmes
- e) Align internship programmes with training and development plans
- f) Gather data regularly on intake of interns, their needs, priorities and perceptions about internship programmes in the Municipality in order to evaluate its effectiveness and to recommend improvements
- g) Compile written report to the relevant Manager and Municipal Manager on progress and challenges of the internship programmes

9.5. Mentors / managers / supervisors

- a) Enter into performance agreement with the intern.
- b) Oversee the training and mentoring of the intern.
- c) Mentor and provide a supportive environment around the intern by playing a facilitative and mediating role to ensure the intern's development.
- d) Conduct ongoing monitoring and assessment of the intern and submit performance reports.

9.6. Intern / Student

- a) Forge conceptual links between theoretical knowledge, acquired at the tertiary institution, and practical work.
- b) Give feedback between theory and practice in order to reinforce the alignment of the two.
- c) Supply the mentor with the feedback on the effectiveness of the internship programme and mentoring arrangements.
- d) Enter into performance agreement with the mentor.
- e) Abide by the rules, regulations and protocols of the Municipality.
- f) Demonstrate pro-activeness towards self-development and participate in the general activities of the department within which internship activities take place.

9.7. Financing and compensation

9.7.1. Financing

- Financing for internship, learnership, apprenticeships programmes shall be budgeted for by Finance Department and allocated to the Training Section.

9.7.2. Remuneration / compensation

- Human Resource Management shall recommend to the Municipal Manager the remuneration levels of interns, corresponding with levels and types of qualifications, and subject to the availability of funds, on an annual basis. All statutory obligations that go with remuneration shall be applied to interns' remuneration.

10. Finalization of process

10.1. HR ensure finalization of contract

10.2. Signing of contract between parties before employment

10.3. Implement on Payday (payroll) system

10.4. Attendance Registers must reach the salary section by the 10th of each month

10.5. New contracts must reach the HR department on the 5th of the month

10.6. Receive completed contracts from Finances (HR and finances) and send to registration for filing

11. APPLICABLE FORMS

Attached: Requisition form for temporary vacancy.
Acceptance of employment.



Amended: Oct 2018

REQUISITION FOR TEMPORARY/ CONTRACT**VACANCY**

1. Department:
2. Section:
3. Town:
4. Designation:
5. Grading: Existing/Proposed:
6. Is it an existing position/New Position: Existing ☐ / New ☐
7. Period of contract:
8. Name of person who is vacating:
9. Specification of position (duties):
.....
.....
.....
10. Minimum educational qualifications required:.....
11. Experience, personal qualities and other selection criteria required:
.....
.....
.....
12. Experience required by position: (years/months)
13. Is drivers license required (specify code): Yes / No
14. Are funds available for salary
15. If yes, vote number applicable
16. Vote number for advertising cost
17. ☐ Internal / ☐ External advertise in publication/s:
18. Was the database considered? Yes No (If no, why not).....
19. Consultation with Unions: IMATU: SAMWU:
20. Authorized by:
Signature:

Designation:

Date:



Gewysig: Okt 2018

REKWISISIE VIR TYDELIKE/ KONTRAK VAKANTE POS

1. Departement:
2. Afdeling:
3. Dorp:
4. Posbenaming:
5. Gradering: Bestaande / Voorgestel:
6. Is dit 'n bestaande / nuwe pos: Bestaande ☐ / Nuwe ☐
7. Kontraktydperk:
8. Naam van persoon wat uit diens tree:
9. Posspesifikasies (pligtestaat):
.....
.....
.....
10. Minimum opvoedkundige kwalifikasie vereis:
11. Ondervinding, persoonlike kwaliteite en ander seleksiekriteria vereis:
.....
.....
12. Ondervinding vereis in pos: (jare/maande)
13. Word bestuurderslisensie vereis (spesifiseer kode): Ja..... / Nee
14. Is fondse vir salaris beskikbaar
15. Indien ja, posnommer
16. Posnommer vir advertensiekostes:
17. ☐Intern of ☐Ekstern adverteer in publikasie/s: