



**MKHAMBATHINI LOCAL MUNICIPALITY**  
**RECRUITMENT AND SELECTION OF SENIOR MANAGERS POLICY**

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## TABLE OF CONTENTS

No.	Description	Page
1.	LEGISLATIVE FRAMEWORK	1
2.	DEFINITIONS	1
3.	OBJECTIVES OF THE POLICY	1
4.	SCOPE	2
5.	CONDITIONS FOR EMPLOYMENT	2
6.	ELEMENTS OF EMPLOYMENT PROCESS	3
7.	EXIT INTERVIEWS	6
8.	MONITORING AND EVALUATION	6

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## **PREAMBLE**

The Municipality will use the recruitment to fill its positions especially of Municipal Managers and Managers reporting direct to the Municipal Manager, with recruits of the highest caliber that would enable translation of strategic objectives into reality and provide excellent service to its citizens.

### **1. LEGISLATIVE FRAMEWORK**

Recruitment shall be done in accordance with the following:

- The Constitution of the Republic of South Africa
- The Labour Relations Act No. 66 of 1995
- The Employment Equity Act No. 55 of 1997
- The Skills Development Act No. 97 of 1998
- The Basic Conditions of Employment Act No. 75 of 1997
- The Municipal Systems Act No. 32 of 2000
- The Municipal Systems Amendment Act No. 7 of 2011

### **2. DEFINITIONS**

- 2.1 Section 54A refers to employees appointed in terms of section 54A of the Municipal Systems Amendment Act No. 7 of 2011.
- 2.2 Section 56 refers to employees appointed in terms of section 56 of the Municipal Systems Amendment Act No. 7 of 2011.
- 2.3 Fixed term employment refers to a period of employment for the Section 54A and Section 56 Managers terminating a year after the following Local Government Elections
- 2.4 Vetting of qualifications refers to checking the authenticity of academic qualification with the South African Qualification Authority

### **3. OBJECTIVES OF THE POLICY**

- 3.1 To introduce fair, efficient, effective, and transparent system and procedures for the employment competent managers within the municipality as envisaged in terms of section 54A (2) and section 56 (1)(b) of the Municipal Systems Amendment Act.
- 3.2 To provide guidelines for the appointment of candidates to the municipality.
- 3.3 To establish principles and procedures ensuring that the municipality comply with the relevant legislative principles in respect of employment equity and affirmative action; and

- 3.4 To set out the procedural steps for the advertisement of a vacant post, appointment of shortlisting and interview panel, selection of applicants for interviews, conducting of interviews, the appointment of candidates to the staff establishment of the municipality, and reporting to the MEC for Co-operative Governance (Local Government).

#### **4. SCOPE**

- 4.1 The policy applies to the Section 54A (Municipal Managers) and Section 56 Managers (Managers reporting direct to the Municipal Manager) because of the critical nature as they are not necessary classified as absolute and relative scarce skills but are those skills that are important in the municipality to deliver services to the community.

#### **5. CONDITIONS FOR EMPLOYMENT**

The Municipality:

- 5.1 May appoint Section 56 Managers on a permanent or on a fixed term contract.
- 5.2 Shall require an employee to be subjected to a security clearance.
- 5.3 Shall vet the educational qualifications of the appointed candidate before signing any contract with him/her.
- 5.4 Shall comply with all relevant legislation in the process; and
- 5.5 Shall ensure that each employee is provided with a written contract of employment, including terms and conditions of service to be signed by both parties prior to and on assumption of duty.
- 5.6 Shall ensure that staff members dismissed for financial misconduct contemplated in section 171 of the Local Government: Municipal Finance Management Act No. 56 of 2003, corruption or fraud, may not be re-employed in any municipality for a period of ten years.

#### **6. ELEMENTS OF EMPLOYMENT PROCESS**

##### **6.1 Filling of vacant posts**

- 6.1.1 A request for the filling of a vacant post shall be submitted to the Human Resource Department.
- 6.1.2 Then HR should check the vacancy against the establishment ensuring that the post exists in the organizational structure and is funded.
- 6.1.3 Council must authorise the filling of the posts.

##### **6.2 Advertisement**

- 6.2.1 The advertisement will be compiled by the Human Resource Department in consultation with the Municipal Manager or Acting Municipal Manager, in terms of the job description and guidelines on qualifications and experience and competencies required for performing the Key Performance Areas.
- 6.2.2 Vacant posts must be advertised nationally to attract a pool of candidates nationwide.

- 6.2.3 Adverts must circulate for a minimum of 14 days and maximum of 30 days weeks to give applicants adequate time to submit their applications.
- 6.2.4 All applications received in response to the advert shall be recorded and kept for a period of two (2) year.

### **6.3 Shortlisting and Interview Panel**

- 6.3.1 Council must constitute the shortlisting and interviewing panel by means of a resolution.
- 6.3.2 In terms of the Municipal Manager post, the selection panel must comprise of the Mayor, another Councillor delegated by the Council and an expert from another municipality.
- 6.3.3 In terms of the S56 posts, the selection panel must comprise of the Chairperson of the relevant portfolio, the Municipal Manager or Acting Municipal Manager and an expert from another municipality.
- 6.3.4 The recommendations of the panel must be submitted to the Executive Committee prior to Council.

### **6.4 Selection process**

- 6.4.1 The selection criteria should be objective and related to experience, qualifications, inherent requirements of the job and realistic future needs of the municipality.
- 6.4.2 Canvassing by job applicants or any other person on behalf of job applicants for posts within the municipality's service be strictly prohibited and evidence thereof shall disqualify the applicant from consideration for appointment.
- 6.4.3 Provision of false information in support of an application will also lead to disqualification.

### **6.5 Shortlisting**

- 6.5.1 A sifting process will be compiled by the Human Resource Department (master list).
- 6.5.2 The recommended list for possible shortlisting will be presented to the shortlisting and interview committee.
- 6.5.3 Shortlisting must be done in a fair and justifiable manner and should be documented.
- 6.5.4 Any member of the selection panel shall be required to withdraw from the panel should he/she has a personal interest or bias in regard to any of the applicants.
- 6.5.4 The HR department shall prepare a documentation pack including CV's, advert, scoring sheet and a master list of shortlisted candidates for the interview process.

### **6.6 Screening**

- 6.6.1 Screening of candidates must take place prior to the interviews.
- 6.6.2 Screening shall include security clearance, the vetting of qualifications with SAQA, criminal record by SAPS, disciplinary record by the Minister of Local Government and reference checks.
- 6.6.3 A report on the outcome of the screening process to be compiled by the Mayor in case of the MM post or by the MM in case of the S56 posts.

## **6.6 Interviews**

- 6.6.1 The selection panel which conducted the shortlisting must remain the same throughout the selection process.
- 6.6.2 An oath of secrecy shall be signed by all members of the panel before the interview commences and such oath shall be in terms of the Code of Conduct which appears in Annexure A of the Municipal Systems Act.
- 6.6.3 Interviews can be conducted either using virtual platforms or contact sessions due to pandemic (e.g., COVID-19) to ensure health protocols should there be any.

## **6.7 Competency Assessment**

- 6.7.1 Competency assessment may be conducted prior or post interviews.
- 6.7.2 Primary purpose of the competency assessment is to inform the panel about the suitability of the candidate.

## **6.8 Appointment**

- 6.8.1 The recommendations of the panel shall be recorded and forwarded to the Executive Committee.
- 6.8.2 Council, after considering the recommendations from the Executive Committee, shall then appoint the suitable candidate.
- 6.8.3 The municipality must, within 14 days, inform the MEC for Local Government of the appointment process and outcome.
- 6.8.4 The municipality may consider waiting for the MEC to provide feedback on the appointment process and outcome prior to entering into a contract of employment with the appointed candidate.

## **6.9 Feedback to candidates**

- 6.9.1 After appointment of the successful candidate, and receipt of acceptance offer, the HR Department should inform all applicants who were shortlisted in writing about the outcome of the interviews.

## **6.10 Employment contract and Performance Agreements**

- 6.10.1 The newly appointed employees shall sign the employment contract, which must include details of duties, remuneration, benefits and other terms and conditions of employment as agreed by both parties before the commencement of service.
- 6.10.2 The remuneration of senior managers on appointment shall be in line with the Upper Limits as per gazette by the Minister on an annual basis.
- 6.10.3 A Performance Agreement must be concluded within 60 days after a person has been appointed as the municipal manager or as a manager directly accountable to the municipal manager and concluded annually, thereafter within one month after the beginning of each financial year of the municipality.

6.10.4 The Mkhambathini Council shall offer the following allowances to the Municipal Manager as part of attracting and retaining strategy, Chapter 5 of the 2014 Regulations and Clause 12(1)(k) of the 2020 Notice as follows:

- Rural Allowance which will be R10 000.00 a month
- Medical Aid Allowance which will be R10 000.00 a month; and
- Cellphone Allowance which will be R7 000.00 a month

6.10.5 The Mkhambathini Council shall offer the following allowances to the S56 Managers as part of attracting and retaining strategy, Chapter 5 of the 2014 Regulations and Clause 12(1)(k) of the 2020 Notice as follows:

- Rural Allowance which will be R5 000.00 a month
- Medical Aid Allowance which will be R5 000.00 a month; and
- Cellphone Allowance which will be R4 500.00 a month.

6.10.5 The abovementioned allowances will be reviewed annually taking into consideration the affordability and budget of the municipality.

#### **6.11.1 Leave Encashment**

6.11.2 Annual vacation leave of eight (8) days may be converted into cash at the salary rate applicable on the day of encashment.

6.11.3 All applications for encashment of leave must be authorized by the Municipal Manager

6.11.4 Senior Managers shall be entitled to encash their leave days once per annum after completing a full year of service.

6.11.5 Leave encashment shall be paid to senior managers on their anniversary which is the date of their appointment or with the December salary.

6.11.5 The leave encashment will be processed through the payroll and be paid electronically into employee's bank account at pay day.

#### **6.12. Acting appointments**

6.12.1 A Municipal Council, must appoint an acting municipal manager/acting manager directly accountable to the municipal manager under circumstances such as vacancy or suspension and for a period of three months.

6.12.2 A person appointed to act as Municipal Manager or S56 Manager must at least have the skills, expertise, competencies, and qualifications as prescribed.

6.12.3 A municipal council may, in special circumstances and on good cause shown, extend the acting period of appointment, for a further period that does not exceed three months.

6.12.4 An acting allowance for the acting municipal manager shall be the difference between the current salary of the acting municipal manager (S56 Manager) and the minimum package of the municipal manager.

6.12.5 An acting allowance for the acting manager directly accountable to the municipal manager shall be the difference between the current salary of a section manager (Manager below S56) and the minimum package of the S56 Manager or 10.5% or whichever is greater.

6.12.6 Council shall delegate the Mayor and Municipal Manager to appoint an acting Municipal Manager/acting Manager directly accountable to the MM for shorter periods of less than 30 days which may be due to annual leave or indisposed.

### **6.13 Induction**

All newly appointed employees shall participate in the Municipal Induction Process.

## **7. EXIT INTERVIEWS**

The municipality shall conduct exit interviews to determine the reasons why employees leave the service of the municipality.

## **8. MONITORING AND EVALUATION**

8.1 The Human Resource Department will continuously monitor the policy and recommend changes that would inform the review of the policy.

8.2 The policy shall be reviewed annually. In the event the policy is amended, the amended policy or provisions thereof will supersede the previous one.