



CAPE WINELANDS DISTRICT

MUNICIPALITY • MUNISIPALITEIT • UMASIPALA

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1. PREAMBLE

The Recruitment and Selection policy and its implementation will be fundamentally aimed at matching human resources to the strategic and operational needs of the Municipality, ensuring the full utilisation and continued development of these employees.

2. PURPOSE

2.1 The Municipality recognises that its employment policies, practices and procedures must comply with the principle of the rule of law. The principle of the rule of law includes the principle of legality, which requires the Municipality, its political structures and political office-bearers as well as its employees, to comply at all times and without exception with the relevant legal provisions governing the situation concerned.

2.2 This policy is further based on the principles set out below. Human resources in the Municipality must –

2.2.1 Be characterised by a high standard of professional ethics.

2.2.2 Promote the efficient, effective and economic utilisation of employees.

2.2.3 Be conducted in an accountable manner.

2.2.4 Be transparent.

2.2.5 Promote good human resource management and career development practices, to maximise human potential.

2.2.6 Ensure that the Municipality's administration is broadly representative of the people of the Province of the Western Cape, with human resource management practices based on ability, objectivity and fairness.

2.3 All aspects of the staffing, structuring, recruitment, selection, interviewing and appointment of employees will be non-discriminatory and will afford applicants equal opportunity to compete for vacant positions. This policy must however be read in conjunction with the Municipality's approved Employment Equity Plan.

3. SCOPE AND APPLICATION

To ensure a fair and equitable employment process, this policy shall apply to all appointments made within the Municipality, but not necessarily to the recruitment and selection of student appointees.

4. DEFINITIONS

“Candidate” means an applicant for a post.

“Council” means the Council of the Cape Winelands District Municipality.

“Employee” means any person, excluding an independent contractor, who works for the Cape Winelands District Municipality and who receives, or is entitled to receive any remuneration.

“Employer” means the Council of the Cape Winelands District Municipality.

“Executive Management” shall mean the Municipal Manager and Heads of Department.

“Full-time Employee” means someone who is in the employ of the Municipality and who is working forty (40) hours per week.

“Heads of Department” shall mean all appointees in terms of section 56 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).

“Human Resource Need” means the organisation’s forecast of needed staff size and skill mix for the designated planning period.

“IDP”- means Integrated Development Plan, as contemplated in the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).

“Induction” shall mean initiation: a formal entry into the organisation or position or office.

“Labour Organisations” means Cape Winelands District Municipality recognised Unions, thus IMATU and SAMWU.

“Municipality” means the Cape Winelands District Municipality.

“Municipal Manager” shall mean a person appointed by the Municipal Council as the Municipal Manager for the municipality in terms of section 57 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).

“Observer” A trade union representative as contemplated in regulation 18(3) of the Local Government Municipal Staff Regulations, or any other person authorised to attend an interview as such by the relevant authority, to observe over the interview process without any participation or involvement therein.

“Nepotism” means favouritism based on family relationship or friendship.

“Part-time employee” means someone who is in the employ of the Municipality and who is working less than forty (40) hours per week.

“Permanent Employee” means an employee, excluding a contract employee and a temporary employee, occupying a post on the approved staff establishment of the Municipality in a permanent capacity, whether full-time or part-time, and excludes an Apprentice, Expanded Public Works Programme employee, Intern, Reservist Fire Fighter and a Student.

“PMS” means Performance Management System as contemplated in the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), and relevant Regulations.

“Recruitment” means the activities undertaken in the human resource management to attract sufficient a competent job candidate who have the necessary potential, skills, experience and qualifications to fill job requirements to assist the Municipality in achieving its objectives.

“Reference Check” means the gathering of information about a candidate’s history from people with whom such candidate has been associated.

“Selection” means the process of making decisions about the matching of candidates considering individual differences and the requirements of the job.

“Staff Establishment” means the approved posts created for the normal and regular requirements of the Cape Winelands District Municipality.

“Staff Member” shall mean the employees of the Cape Winelands District Municipality, including the Municipal Manager.

“Temporary Employee” means an employee, excluding a contract employee, appointed to a post on the approved staff establishment of the Council in a temporary capacity, whether full-time or part-time, for a continuous period not exceeding twelve (12) months.

“Workforce planning” means a process that ensures people with the appropriate skills are in the right place, at the right location, at the right time to meet the community’s changing needs. It examines what an organisation needs to accomplish in a given period of time; what knowledge, skills, and experience are required to get the job done; and how large and what type of workforce is required to provide that mix of skills, knowledge, and experience.

“Workplace” refers to the place of work as contemplated in the Labour Relations Act, 1995 (Act No. 66 of 1995).

All terminology not defined under paragraph 4 of this policy shall bear the same meaning as in the applicable legislation.

5. LEGISLATIVE AND POLICY FRAMEWORK

This policy and its application must be in accordance with the following legislative prescripts:

- 5.1 The Constitution of the Republic of South Africa, 1996.
- 5.2 The Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998).
- 5.3 The Labour Relations Act, 1995 (Act No. 66 of 1995).
- 5.4 The Skills Development Act, 1998 (Act No. 97 of 1998).
- 5.5 The Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).
- 5.6 The Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997).
- 5.7 The Occupational Health and Safety Act, 1993 (Act No. 58 of 1993).

- 5.8 Employment Equity Act, 1998 (Act No. 55 of 1998).
- 5.9 Local Government: Municipal Staff Regulations (Regulation No. 890 promulgated in Government Gazette No. 45181 of 20 September 2021).
- 5.10 All relevant SALGBC Collective Agreements.
- 5.11 In terms of the Protection of Personal Information Act, 2013 (Act No. 4 of 2013) any personal information of candidates will only be processed for the specific purpose of complying with the prescriptions of this policy and/or applicable legislation.

6. POLICY CONTENT

- 6.1 The appointment of a Municipal Manager and other Senior Managers will be made in terms of the Local Government: Regulations on Appointment and Conditions of Employment of Senior Managers No. 37245 of 17 January 2014.
- 6.2 The responsibility for the appointment of all other personnel rests with the Municipal Manager or his/her delegate in terms of section 55(1)(e) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).

7. DETERMINING OF RECRUITMENT NEEDS

Prior to filling a post, the necessity for filling shall be assessed and motivated in writing by the relevant Head of Department to the Municipal Manager or his/her delegate.

The Cape Winelands District Municipality must develop a strategy to:

- 7.1 Fill funded vacancies on the staff establishment within six (6) months of it becoming vacant.

- 7.2 Reduce turnaround times for filling of approved vacant funded posts.
- 7.3 At all times have capacity and capability to perform its functions.
- 7.4 Require timeframes for the various activities included in the recruitment and selection process.
- 7.5 A vacant post on the staff establishment may only be filled if the Municipal Manager or a staff member to whom its function is delegated has approved the filling of the post and the post is budgeted for.
- 7.6 Deviation may be granted on the following grounds –
 - 7.6.1 Budget cuts necessitating prioritisation of personnel expenditure.
 - 7.6.2 Impending restructuring exercise.
 - 7.6.3 Alternative staffing solutions are adopted.

8. GENERAL REQUIREMENTS FOR APPOINTMENT OF STAFF

- 8.1 No person may be appointed as a staff member on a fixed-term contract, permanent basis, or probations, to any post on the approved staff establishment, unless he or she –
 - 8.1.1 Is a South African Citizen, permanent resident or foreign national with a valid work permit.
 - 8.1.2 Possesses the relevant competencies, qualifications and experience as set out in Annexure A of the Local Government: Municipal Staff Regulations (Regulation No. 890 promulgated in Government Gazette No. 45181 of 20 September 2021).

9. COMPETENCY REQUIREMENTS OF STAFF

- 9.1 A person appointed as staff member must have, where applicable
- 9.1.1 The necessary competencies.
 - 9.1.2 Comply with the minimum requirements for educational qualifications, work experience and knowledge as set out in Annexure A Local Government: Municipal Staff Regulations (Regulation No. 890 promulgated in Government Gazette No. 45181 of 20 September 2021).
- 9.2 A staff member who was appointed prior to 01 July 2022 and who does not meet the minimum competency requirements of the relevant post as prescribed, shall be deemed to be meeting the requirements of the post. The Cape Winelands District Municipality may place a staff member on a programme to acquire the competency requirements as prescribed in order for the staff member to be eligible for career opportunities in the Cape Winelands District Municipality.
- 9.3 If a staff member has not attained the competencies as prescribed by the post, the Workplace Skills Plan will identify and address competency gaps and development needs.
- 9.4 The Minister may determine uniform competency-based assessments for specific occupational streams.
- 9.5 The Cape Winelands District Municipality must subject staff members to a competency assessment for specific occupational streams as determined by the Minister.

10. ADVERTISING OF VACANT POST

- 10.1 The municipality must advertise the post after approval has been obtained.
- 10.2 The advertisement must specify the following:
 - 10.2.1 Job title.
 - 10.2.2 Term of appointment.
 - 10.2.3 Place of work.
 - 10.2.4 Applicable salary scale or pay range.
 - 10.2.5 Competency requirements of the post and, where applicable, the minimum qualifications and experience as set out in Annexure A of the Local Government: Municipal Staff Regulations (Regulation No. 890 promulgated in Government Gazette No. 45181 of 20 September 2021).
 - 10.2.6 Inherent requirements of the job.
 - 10.2.7 Summary of core functions.
 - 10.2.8 Need to sign an employment contract and, where applicable, a performance agreement and disclosure of benefits and interest.
 - 10.2.9 Address where applications must be sent.
 - 10.2.10 Place where application form can be obtained.

- 10.2.11 Contact person.
 - 10.2.12 The need to undergo screening and vetting (where applicable).
 - 10.2.13 Closing date and time for submission of applications.
 - 10.2.14 A statement that canvassing or use of undue influence by job applicants or any other person on behalf of job applicants, for posts within the municipality's service is prohibited and evidence thereof will disqualify the applicant's application for consideration.
 - 10.2.15 A statement that applications received after the closing date will not be accepted or considered.
 - 10.2.16 A statement that it is the responsibility of the applicant to evaluate all foreign qualifications by SAQA prior to submission of application.
 - 10.2.17 A statement that if an applicant does not hear from the Municipality within ninety (90) days, his/her application was unsuccessful.
- 10.3 The Municipality may appoint a recruitment agency to undertake the recruitment processes if they do not have the capacity to manage the recruitment processes. The recruitment agency can assist with:
- 10.3.1 Response handling
 - 10.3.2 Compilation of longlist of all applicants who applied for the post.
 - 10.3.3 Preliminary list of applicants who meet the requirements.
 - 10.3.4 List of applicants who do not meet all requirements but have the potential.

- 10.3.5 List of applicants who do not meet the requirements.
- 10.3.6 The recruitment agency shall not undertake the selection process.
- 10.4 An advertisement may be utilised to create a pool of potential candidates valid for a period not exceeding six (6) months from the date of advertisement to fill any other vacancy in the Municipality if –
- 10.4.1 the job title, core functions, inherent requirements of the job and the salary level of the other vacancy is the same as the post advertised;
and
 - 10.4.2 the recruitment process is complied with.
- 10.5 Funded vacant posts may be advertised within the Municipality, locally or nationwide.
- 10.6 The Municipal Manager may grant permission for the placement of a shortened description of the duties and responsibilities and core requirements of a vacant post and in such instances, it be indicated that more details about the post can be found on the website of the Cape Winelands District Municipality or list the specific details of a responsible person for further enquiries.
- 10.7 Vacancies must be advertised internally and/or externally after approval by the Municipal Manager.
- 10.8 Consideration should be given to advertise “lower-level posts” internally first, before advertising externally, subject thereto that a pool of internal candidates is available.
- 10.8.1 Posts that have graded on TASK levels 3-10 will be deemed “lower-level” posts.

- 10.8.2 For internal advertisements for internal applicants only, the advertisement must be placed on the notice boards at depots, and where internal candidates do not have access to electronic mail and through internal electronic mail distribution.
- 10.9 For cost saving purposes, advertisements can also be placed internally, in instances that external applicants can also apply, it must be placed on all notice boards of the Cape Winelands District Municipality, the website of the Cape Winelands District Municipality and through internal electronic mail distribution.
- 10.10 External advertisements must at least be published in a newspaper of record as provided for in section 21(1) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).

11. UNSOLICITED APPLICATIONS

- 11.1 Unsolicited applications received during the course of the Municipality's operations must be returned forthwith to the applicant stating that the Municipality does not have any vacancies at the time when the application was submitted and that should any vacancy arise, the Municipality will advertise such vacancy.
- 11.2 Nobody may promise or undertake to accept an unsolicited application for appointment and to submit it when a vacancy is advertised.

12. HEAD HUNTING

- 12.1 Head hunting will always be applied with caution, and it may only be applied with the explicit approval of the Municipal Manager and only after the selection panel, in consultation with the relevant Head of Department, if applicable, is of the opinion that the assessed candidates are not suitable and/or do not meet the requirements of the position as advertised.

12.2 Normally targeted persons will be provided with a copy of the recruitment advertisement and allowing them to apply of their own accord.

13. APPLICATION FOR A VACANT POST

13.1 An application for a vacant post must be made on the application form and the Municipality may use an on-line application form.

13.2 An applicant for a post must disclose –

13.2.1 His/her qualifications and experience.

13.2.2 His/her contactable references.

13.2.3 His/her registration with relevant professional body (if applicable).

13.2.4 Full details of any dismissal for misconduct or substandard performance.

13.2.5 Any disciplinary actions (pending or finalised) in current or previous employment.

13.3 Any misrepresentation or failure to disclose material information on the application form, is a breach of the Code of Conduct for Municipal Staff Members.

13.4 Applications not made on the prescribed application form will render any appointment or contract entered into, between the Municipality and the candidate invalid.

- 13.5 The Municipality must maintain a record of all applications received and the information must be kept confidential and stored in a secure place. Records must contain –
- 13.5.1 Applicants' biographical details and contact information.
 - 13.5.2 Details of the post for which the applicants were applying.
 - 13.5.3 The applicant qualifications.
 - 13.5.4 Any other requirements outlined in application form.
- 13.6 Enquiries about any advertised post shall be directed to the Division: Human Resources.
- 13.7 All applications shall be received by the Division: Human Resources.
- 13.8 Application forms must be accompanied by originally-certified true copies of qualification certificates (i.e. degrees, diplomas, certificates, school certificates, etc.), as well as required driver's licences, professional driver's permits, academic records with examination results and registration certificates from professional bodies, where applicable.

14. SELECTION PANEL

- 14.1 The Municipal Manager or his/her authorised delegate must appoint a selection panel for each advertised post to recommend the appointment of a suitable candidate.
- 14.2 The selection panel must comprise of a minimum of three (3) but not more than five (5) members.

- 14.3 The chairperson of the panel must be the supervisor, or a staff member employed at least one job grade higher than that of the advertised post.
- 14.4 In deciding on the composition of the selection panel the Municipal Manager must have regard to the following considerations –
- 14.4.1 Nature of the post.
 - 14.4.2 Gender and race balance of the panel.
 - 14.4.3 Skills, expertise, experience and availability of persons to be involved.
- 14.5 A panel member must –
- 14.5.1 Disclose any interest or relationship with shortlisted candidates during shortlisting process.
 - 14.5.2 Recuse themselves from the selection panel if:
 - (a) Their spouse, partner, close family member or close friend were shortlisted for the post.
 - (b) They have a de facto relationship or some form of indebtedness to a candidate, or vice versa.
 - (c) Any other conflict of interest exists.
 - 14.5.3 Sign a declaration of confidentiality to prevent the disclosing of information to unauthorized persons.

- 14.7 Union representatives (observers) must also sign the declaration for confidentiality purposes.
- 14.8 The Head of Human Resources or delegated authority must facilitate the process and provide advisory services during the selection process to ensure compliance with the Regulations in the recruitment and selection process.
- 14.9 A staff member delegated to provide secretarial services during the selection process may not form part of the selection panel.
- 14.10 Each panel member must disclose potential conflict to be considered by the full selection panel at the initial meeting of the panel.
- 14.11 If a conflict of interest becomes apparent during the selection process, the Municipal Manager or his/her delegate may take the appropriate steps to remedy the situation, which may include declaring the selection process invalid and commencing a new process.
- 14.12 If a conflict of interest becomes apparent after the appointment, the Municipal Manager or his/her delegate must report the matter to the relevant delegated authority which must take remedial action, and, where necessary, disciplinary action.
- 14.13 The selection process for the position of Municipal Manager and other Senior Managers will be made in terms of the Local Government: Regulations on Appointment and Conditions of Employment of Senior Managers No. 37245 of 17 January 2014.

15. NEPOTISM

- 15.1 It is the policy of the Municipality to seek competent applicants for positions and to further the careers of those employed regardless of whether they have close relatives already employed at the Municipality.
- 15.2 The basic criteria for appointment and retention are appropriate qualifications, experience and performance as set out in the policies of the Municipality.
- 15.3 Family relationships shall constitute neither an advantage nor a deterrent to appointment and retention at the Municipality, provided the individual meets and fulfils the appropriate appointment standards.
- 15.4 For the purpose of this policy “close relative” is defined as spouse, domestic partner, parent, mother-in-law, father-in-law, step-parent, child, son-in-law, daughter-in-law, step-child, brother, step-brother, brother-in-law, sister, stepsister, sister-in-law, grandchild, aunt, uncle, nephew, niece and first cousin.
- 15.5 Employment of “close relatives” shall be limited, only where necessary to provide reasonable assurance that each employee can carry out the responsibilities of his/her particular position as objectively as possible.

16. COMPILING OF SHORTLIST

- 16.1 The shortlist must contain, in table form, the following particulars in respect of each candidate –
 - 16.1.1 The applicant’s surname followed by her/his initials.
 - 16.1.2 The applicant’s area of residence.
 - 16.1.3 The applicant’s gender.

- 16.1.4 The applicant's population group.
 - 16.1.5 The applicant's qualifications.
 - 16.1.6 The applicant's employment history and experience relevant to the job description and job specification.
 - 16.1.7 If applicable, the nature of the applicant's disability.
- 16.2 The Division: Human Resources must submit the shortlist to the relevant selection panel.
 - 16.3 The selection panel must select from the shortlist, with due regard for Section 20 of the Employment Equity Act, 1998 (Act No. 55 of 1998) not more than six (6) applicants, subject to discretion of the selection panel, who in their opinion would be the most suitable candidates to be subjected to the selection process.
 - 16.4 The Division: Human Resources must, during the compilation of the shortlist, take all reasonable steps and actions to establish the validity and accuracy of any qualification certificates and other information supplied by an applicant.
 - 16.5 For the purpose of verifying the authenticity of qualification certificates the Municipality may appoint an external service provider, subject to the Supply Chain Management policy of the Municipality.
 - 16.6 If any candidate submitted or claimed that he/she had some or other certificate or diploma, qualification, experience or disability that is disproved, such candidate must be disqualified.

17. NOTIFICATION OF SHORTLISTED CANDIDATES OF SELECTION PROCEEDINGS

The Division: Human Resources must notify every candidate whose name has been shortlisted of the venue, date and time and nature of the selection proceedings he/she must attend, using the most reliable communication methods available.

18. INTERVIEWS

18.1 The list of shortlisted candidates, and copies of their applications, must be submitted to the selection panel, prior to the interviews taking place.

18.2 The selection panel must remain the same at all times. If a member of the selection panel is unable to proceed with the interviews due to circumstances beyond that member's control, such panel member may be replaced or withdrawn. If the selection panel does not quorate, the panel must be reconstituted.

18.3 The Municipality must grant observer status to each of the recognised trade union representatives during the interviews. Failure by the union to attend the interview proceedings will not invalidate the decision of the panel.

18.4 The selection panel must interview the shortlisted candidates.

18.5 Before the interview commences, the selection panel must confirm the selection criteria for the advertised post, based on the relevant competencies required for the advertised post.

18.6 The selection panel must keep a written record of the interviewed candidates.

18.7 After considering all the relevant information, the selection panel must recommend candidates in order of preference. If the recommended candidate

declines an offer of employment, the next suitable candidate, where applicable, may be considered for appointment.

- 18.8 If the recruitment process did not attract suitable candidates, the post may be re-advertised.
- 18.9 If the post is categorised as a critical and scarce skills post, alternative recruitment methods such as executive search, head-hunting, referrals and re-advertising may be considered, only if the recruitment process has not attracted suitable candidates.
- 19.1 A candidate must score 60% in the event that the assessment criteria is part of core functions of a post and 50% for non-core functions in order to be declared competent (i.e. in the event of a Typist Clerk, in a practical test, accurate and fast typing will be the core functions of such a post, thus a candidate must obtain at least 60% for the practical exercise and at least 50% for the interviews (which will be non-core functions) to be declared competent.
- 19.2 The recommendations of the selection panel shall be determined by –
 - 19.2.1 Consensus.
 - 19.2.2 Where the panel fails to reach consensus, the matter shall be referred to the Municipal Manager or his/her delegate for mediation or resolution.
- 19.3 If the selection panel recommends an appointment for the post, it must submit its recommendation to the Municipal Manager or his/her delegate for approval.

20. CONDUCTING PROFICIENCY, MEDICAL AND FITNESS TESTS

- 20.1 One or more relevant proficiency tests (e.g. typing tests, operating a grader etc.) may be required to be conducted before or after an interview is conducted.
- 20.2 A proficiency test may only be required if the outcome thereof is relevant to the expected job standards that would be expected of the employee, and it relates to the job description.
- 20.3 Candidates will be subjected to competency tests for the operating and handling of civil construction machines, where applicable.
- 20.4 If the daily working environment is of a physical nature, candidates may be subjected to a physical fitness test.
- 20.5 Successful candidates will be subjected to a medical assessment in terms of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), where applicable.

21. REFERENCE CHECKING AND PERSONAL CREDENTIAL VERIFICATION

- 21.1 Reference checks and personal credential verification must only be carried out for applicants recommended by an interviewing panel.
- 21.2 The person performing the reference check must obtain the following information during the reference check, however not limited to –
 - 21.2.1 Verifying the candidate's suitability for the job with the current and previous employer.
 - 21.2.2 Validity of qualifications and any other verification required by the position before appointment.

- 21.2.3 Determining whether the candidate has been dismissed previously for misconduct or poor performance.
- 21.2.4 Verifying other additional personal credentials as may be required by the job such as criminal records, ID, security clearance; and credit checks where applicable.
- 21.3 A written report on the outcome of the reference checks must be compiled and considered before the appointment is concluded.
- 21.4 An applicant that does not have a previous employment record may not be disqualified.
- 21.5 Reference checks must be conducted by the Director: Human Resources or his/her nominee or an appointed service provider, should such services be available.

22. APPOINTMENT OF MUNICIPAL MANAGER AND SENIOR MANAGERS

The appointment of a Municipal Manager and other Senior Managers will be made in terms of the Local Government: Regulations on Appointment and Conditions of Employment of Senior Managers No. 37245 of 17 January 2014.

23. APPOINTMENT

- 23.1 A person may be appointed as a staff member only if he or she –
 - 23.1.1 Possesses the relevant competencies as prescribed in Annexure A of the Local Government: Municipal Staff Regulations (Regulation No. 890 promulgated in Government Gazette No. 45181 of 20 September 2021).

23.1.2 Is not disqualified in terms of regulation 22 (previously dismissed).

23.2 The Municipal Manager or his/her delegate must –

23.2.1 Consider the recommendations of the selection panel.

23.2.2 Decide whom to appoint and the terms and conditions of employment.

23.2.3 Be satisfied that the candidate meets the minimum requirements.

23.2.4 If the Municipal Manager or his/her delegate does not accept the recommendations from the panel, he/she must indicate the reasons in writing.

23.2.5 An appointment may only take effect after the Municipal Manager or his/her delegate has approved the appointment in writing.

23.2.6 The successful candidate must confirm acceptance or decline of offer within seven (7) working days from the date the written employment offer was received by the candidate.

23.2.7 The Municipal Manager or his/her delegate must ensure that all the interviewed candidates are informed whether or not they were successful.

23.2.8 Unsuccessful candidates must, on request, be provided with reasons in writing as to why they were unsuccessful.

24. APPOINTMENT OF SUPPORT STAFF TO OFFICES OF PUBLIC OFFICE BEARERS

- 24.1 A person appointed to a post on the approved staff establishment in order to support the office of a public office bearer must either be –
 - 24.1.1 Seconded from a post on the Municipality's approved staff establishment or another municipality's staff establishment.
 - 24.1.2 Appointed on fixed-term contract linked to the term of office of the public office bearer.
- 24.2 The duration of the secondment or fixed-term contract may not be longer than thirty (30) days after the public office bearer vacates office.

25. APPOINTMENT LETTER

- 25.1 The Director: Human Resources or his/her nominee must present every newly appointed employee with a letter of appointment as provided for in section 29 of the Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997) not later than the day on which he/she starts working.
- 25.2 Whenever any of the details contained in such a letter change, the Director: Human Resources or his/her delegate must inform the employee in writing of such changes.
- 25.3 In the event of an employee that cannot read, the relevant Manager or his/her delegate must explain the content of such letter and any amendment thereof to every such employee in a language that he/she understands.
- 25.4 The appointment letters of employees to whom the Municipal Regulations on Minimum Competency Levels, 2007 apply, must stipulate that, if the required minimum competency levels in the unit standards for each competency area

are not attained within an eighteen (18) months' period from date of appointment, the employment contract will terminate automatically within one (1) month after the applicable period.

26. RE-EMPLOYMENT OF DISMISSED STAFF

- 26.1 A person who was dismissed from a municipality for any reason stated in column B of the table in Annexure E of the Local Government: Municipal Staff Regulations, may not be re-employed in any municipality before the period set out in column C of the table has expired.
- 26.2 If a dispute was lodged in terms of any applicable legislation, the person may be appointed subject to the outcome of dispute.
- 26.3 If a person was dismissed for more than one category of misconduct, the waiting time will run concurrently.
- 26.4 The Municipality must keep record of staff dismissed for misconduct and staff who resigned prior to the finalisation of any disciplinary case. The record must maintain –
 - 26.4.1 Full names and ID number of the person.
 - 26.4.2 Title of the post the person occupied.
 - 26.4.3 Nature of the misconduct.
 - 26.4.4 Date of suspension, if any.
 - 26.4.5 Conditions of suspension, if any.

- 26.4.6 Date of referral of case to a disciplinary hearing or pre-dismissal arbitration.
- 26.4.7 Date of commencement of the disciplinary hearing.
- 26.4.8 The finding.
- 26.4.9 Whether a dispute was referred to the Bargaining Council or the Labour Court.
- 26.4.10 Costs incurred by the Municipality.
- 26.4.11 Date of resignation or dismissal of the person.

27. PROBATION

- 27.1 A newly appointed employee in a position on the staff establishment of the Municipality must serve a period of probation of at least three (3) months and not more than twelve (12) months before the appointment of the employee is confirmed. In respect of the Cape Winelands District Municipality the probation period will be six (6) months, with the possibility of extension should the performance standards not be met after six (6) months.
- 27.2 The probationary period must be determined based on the basis of the job requirements, the minimum period required to determine if performance is satisfactory, and it excludes the number of leave taken during probation or any extension thereof.
- 27.3 The Municipal Manager or his/her delegate must inform the appointee within two (2) weeks of employment of performance requirements, ensures that the employee completes the induction programme and assess the staff member's

performance and provide the staff member with quarterly feedback during the probation period.

- 27.4 If it is determined that the employee's performance is below standard, the Municipal Manager or his/her delegate should advise the employee of any aspects in which he/she considers the employee to be failing to meet the required performance standards.
- 27.5 If the Municipal Manager or his/her delegate believes that the employee's performance does not meet the required standards, he/she may extend the probationary period or dismiss the staff member, provided that –
- 27.5.1 The staff member must first be given reasonable time for assessment, training, guidance or counselling.
- 27.5.2 The staff member's performance continues to be unsatisfactory after a reasonable period has been given to the staff member to improve his/her performance.
- 27.6 The Municipal Manager or his/her delegate may extend the probationary period by a period not exceeding six (6) months, in order to afford the Municipality an opportunity to further assess the staff member's performance.
- 27.7 One month after the completion of the probationary period, the Municipal Manager or his/her delegate must confirm the appointment if the staff member's performance was satisfactory, and the staff member complied with all the conditions of the probationary appointment.
- 27.8 The appointment may be terminated if the staff member's performance was not satisfactory during the probationary period and the staff member did not comply with all the conditions of the probationary appointment, subject to Schedule 8 of the Labour Relations Act, 1995 (Act No. 66 of 1995).

28. PROMOTION

- 28.1 A staff member who is appointed in a post in the Municipality that is higher in salary level or job grade than the one that he/she previously occupied in the Municipality is deemed to be promoted to that post.
- 28.2 A staff member who is promoted does not forfeit his/her years of service and the benefits which accrued from those years of service.

29. TRANSFER OF STAFF

- 29.1 The Municipality may transfer any staff member in the service of the Municipality to any equivalent post in the Municipality, or subject to section 197 of Labour Relations Act, to an equivalent post in another municipality.
- 29.2 A staff member may only be transferred –
 - 29.2.1 If the staff member requests or consents, in writing, to the transfer.
 - 29.2.2 In the absence of consent, if the transfer is fair taking into consideration whether operational requirements are addressed by the transfer, written representations by the staff member prior to transfer and the extent to which the interest of employee is fairly accommodated.
- 29.3 The salary and conditions of service may not be adversely affected without written consent.
- 29.4 A staff member may not be demoted, promoted or transferred to a lower or higher post level than their current level.

30. SECONDMENT OF STAFF TO ANOTHER MUNICIPALITY

- 30.1 The Municipality may second a staff member with the relevant competencies to act in a post that is vacant in another municipality.
- 30.2 The municipalities must conclude a written agreement regarding the secondment that specifies –
 - 30.2.1 The municipality responsible for the costs of secondment.
 - 30.2.2 The duration of the secondment, which may not exceed a period of twelve (12) months.
 - 30.2.3 The person to whom the seconded staff member must report.
 - 30.2.4 The place where the seconded staff member must work.
 - 30.2.5 The new job description of the seconded staff member.

31. SECONDMENT OF OTHER GOVERNMENT EMPLOYEES TO MUNICIPALITY

- 31.1 The Municipality may request national or provincial government, another municipality or any state organ to second a person with the relevant competencies to act in a vacant post for a specified period or until a suitable candidate has been appointed.
- 31.2 The parties must conclude a written agreement.
- 31.3 The Municipality must inform the MEC and of any such secondment.

32. ACTING APPOINTMENT

- 32.1 An acting appointment may be made in a vacant funded post in order to ensure that the disruption of services is minimised.
- 32.2 Unless otherwise indicated, the staff member who is acting in a higher post in the same municipality must continue to perform the duties of the post that the staff member ordinarily occupies during the acting period.
- 32.3 A person acting in a higher post has no right or expectation to be appointed to that post.
- 32.4 A staff member may only act in a post that is equivalent to or one grade higher than the post that the staff member ordinarily occupies.
- 32.5 An application for acting on the guiding template available at the Division: Human Resources must be submitted to the Municipal Manager or his/her delegate for his/her consideration and/or approval before any acting appointment may commence.
- 32.6 The appointment to act in a post must be with the consent of the staff member, in writing and authorised by the Municipal Manager or the delegated party.
- 32.7 The staff member appointed to act in a post must have the requisite competencies to be able to perform the duties associated with the post.
- 32.8 In selecting a person to act in the post, the following must be considered –
- 32.8.1 The relevant requirements of the post and that person's performance.
- 32.8.2 The Municipality's developmental needs.

32.8.3 The Municipality's employment equity policy and plan.

32.9 A person may only be appointed in an acting position for a period not exceeding three (3) months.

32.10 The Municipal Manager or his/her delegate may extend the period for a further period of three (3) months, if there is a justifiable reason to do so and any further extensions shall not exceed a period of nine (9) months, whereafter the post must be advertised and filled on a competitive basis.

33. APPOINTMENT OF PERMANENT STAFF

Except as provided for in regulations 21 and 30 of the Local Government: Municipal Staff Regulations, appointments of staff members are made in terms of section 66 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) shall be on a permanent basis.

34. APPOINTMENT OF STAFF ON FIXED-TERM CONTRACT

The Municipality may in exceptional circumstances and within its administrative and financial capacity, appoint person(s) on fixed-term contracts without adhering to the procedures and processes as contained in this policy and subject to the provision of section 198B of the Labour Relations Act.

35. REIMBURSEMENT OF INTERVIEW RELATED COSTS

35.1 Any prospective applicant who is invited to attend an interview, shall be paid the running costs tariff as determined from time to time by the South African Revenue Service in accordance with the cylinder capacity of the applicant's vehicle.

- 35.2 In the event of an applicant making use of air travel, the applicant shall be paid the cost of an economy class return ticket.
- 35.3 The Municipality will also provide transport from and back to the Cape Town International Airport.
- 35.4 In the event of a prospective applicant spending the night away from his/her place of residence, he/she shall be paid in accordance with the Municipality's Subsistence and Travel policy.

36. FURNITURE REMOVAL

- 36.1 Costs associated with furniture removal from outside the Cape Winelands District Municipality borders will be payable subjected to the Supply Chain Management processes of the Municipality, prior to the removal of such furniture.
- 36.2 The incumbent will be held liable for the furniture removal costs on a pro rata basis should he/she exit from the employment of the Cape Winelands District Municipality within two (2) years from the commencement of employment.

37. RECORDKEEPING

- 37.1 Adequate records of the entire selection process need to be maintained, including selection and shortlisting criteria: reasons for inclusion/exclusion of candidates; structured interview guide; copies of all other assessments utilised; comprehensive notes on assessment of each candidate; assessment ratings and reference checks.
- 37.2 As in the recruitment process, these records need to be maintained for the prescribed period.

38. DISPUTE RESOLUTION

Internal dispute resolution processes shall be followed first in the event of any grievances and disputes arising out of the implementation of this policy. For all external candidates, the recognised labour relations mechanisms shall be applied.

39. AMENDMENTS

The Council may from time to time amend this policy and introduce any measure(s) to ensure efficient, economic and effective management of Council resources.

40. EFFECTIVE DATE

The Revised Recruitment and Selection Policy will become effective upon approval thereof by the Council of the Cape Winelands District Municipality.