

Blouberg Municipality



CHAPTER 5: PROMOTION, TRANSFER, SECONDMENT AND ACTING APPOINTMENT POLICY

1. PREAMBLE

The Municipality views the promotion, transfer, and secondment of staff members as an important human resource tool to improve performance and to attain staff member satisfaction. In addition, allowing staff members to act in higher positions also maintains service delivery while exposing staff members to skill enhancement.

2. PURPOSE

- 2.1** To ensure that staff members are promoted, seconded and transferred appropriately and in line with operational requirements of the Municipality.
- 2.2** To ensure promotion of staff members for higher positions and salary levels in line with the Municipality's strategies of succession planning, career management, staff retention, performance enhancement, and employment equity.
- 2.3** To ensure that promotion is based on knowledge of the job, abilities, skills, aptitude, experience, performance, and the evaluation of the incumbent's post.
- 2.4** To regulate the secondment or temporary assignment of staff members to and across the Municipality's offices, sections, operating areas, and subsidiaries in line with the operational requirements, ill-health, or to fill vacancies.
- 2.5** To regulate the transfer of staff members to and across the Municipality's offices, sections, operating areas, and subsidiaries in line with the operational requirements, ill-health, or to fill vacancies.
- 2.6** To provide management with a standard framework for allowing staff members to act in higher positions
- 2.7** To provide management with a standard framework for paying an acting allowance to staff members acting in higher positions

3. SCOPE OF APPLICATION

This policy applies to all staff members of the Municipality.

4. LEGISLATIVE AND POLICY FRAMEWORK

- Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996)
- Municipal Systems Act, 2000 (Act No. 32 of 2000)
- Municipal Structures Act, 1998 (Act No. 117 of 1998)
- Municipal Finance Management Act, 2003 (Act No. 56 of 2003)
- Labour Relations Act, 1995 (Act No. 66 of 1995)
- Employment Equity, 1998 (Act No. 55 of 1998)
- Skills Development Act, (Act No. 97 of 1998)
- Local Government: Regulations on appointment and conditions of employment of senior managers, 2014
- Local Government: Municipal Staff Regulations, 2021
- Local Government: Guidelines for the Implementation of the Municipal Staff Regulations, 2021
- Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997)

5. DEFINITIONS

All terminology used in this policy shall bear the same meaning as in the Regulations or applicable legislation, or as defined and / or explained in the Glossary of Terminology in the Human Resources Policies Manual.

6. PROBLEM STATEMENT

To address inconsistencies and unfair practices when implementing promotion, transfer, secondment and acting appointment of municipal person.

7. POLICY PROVISIONS

7.1 Promotion

7.1.1 Promotion in the Municipality occurs when:

- (a) Notch progression within the same post grading on the criteria set out in the remuneration policy, or by resolution of the Municipal Council;
- (b) Upgrading of the post the staff member occupies through job evaluation; and
- (c) Appointment to a post in the Municipality that is higher than the one the staff member previously occupied.

7.1.2 The promoted staff member shall not forfeit his or her years of service and the benefits that accrue from those years of service.

7.2 Transfer of staff

7.2.1 The Municipality may transfer any staff member in its service to any equivalent post in the Municipality or, subject to Section 197 of the Labour Relations Act, to an equivalent post in another municipality.

7.2.2 Transfers are treated as appointments and may be effected by the Municipal Manager or Directors, depending on which has the appointing authority in terms of the relevant delegations. Transfers may only be effected if the following criteria have been met:

- (a) The staff member's salary and benefits remain the same.
- (b) The organisational level remains the same.
- (c) The staff member's level of responsibility remains the same.
- (d) The staff member meets the minimum requirements of the post as confirmed in the job description.
- (e) The staff member requests or consents, in writing, to the transfer.
- (f) The transfer is not applied as a punitive measure. (In terms of the Disciplinary Code, a transfer can occur as a result of a transgression by the staff member but only after the disciplinary process has been applied).
- (g) Proper consultation with the staff member has taken place in which the reason(s) for transfer, advantages and possible disadvantages have been discussed and resolved where applicable.
- (h) The Human Resources Practitioner has been informed of the transfer.
- (i) Should a staff member be on a personal-to-holder salary scale, the Municipal Manager will have the discretion to approve a transfer to a post of which the remuneration (T-grade) is not equal to the remuneration (T-grade) of the current post of the staff member.
- (j) A transfer request may not be considered should the vacant post already be advertised in terms of section 6.2.4 of this policy.
- (k) Should a request for a transfer be declined, the relevant director shall provide the staff member with a reason(s) for his/her decision.

7.2.3 A staff member shall only be transferred –

- (a) if the staff member requests or consents, in writing, to the transfer; or
- (b) in the absence of consent, if the transfer is fair taking into consideration-
 - (i) the operational requirements of the affected institutions, including whether the transfer of the staff member would address such requirements;

- (ii) written representations from the staff member prior to the proposed transfer; and
- (iii) the extent to which the interests and circumstances of the staff member may be fairly accommodated.

7.2.4 The salary and other conditions of service of a staff member shall not be adversely affected by a transfer without the consent in writing of that staff member.

7.2.5 A staff member shall not be demoted, promoted or transferred to a position at a level which is lower or higher than the staff member's current post level.

7.2.6 The Municipal Manager shall consider all expenses associated with the transfer envisaged and approve or decline the request on his / her sole discretion.

7.2.7 The Letter of Transfer shall state all conditions of the transfer, including expenses that the Municipality shall cover.

7.3 Secondment of Municipal staff to another municipality

7.3.1 The Municipality may second a staff member with the relevant competencies to act in a post that is vacant in another municipality.

7.3.2 The Municipality shall conclude a written agreement regarding the secondment with the staff member, and another municipality where the staff member is being seconded to, that specifies –

- (a) the municipality responsible for the costs of secondment;
- (b) the duration of the secondment, which shall not in each case exceed a period of twelve months;
- (c) the person to whom the seconded staff member shall report to;
- (d) the place at which the seconded staff member shall work; and
- (e) the new job description of the seconded staff member.

7.3.3 The staff member on secondment shall return to their substantive position after the secondment, on the same conditions of service, irrespective of the level at which they operated during the secondment.

7.4 Secondment of other government staff members to the Municipality

7.4.1 The Municipality may request national or provincial government, another municipality or any state organ as they case may be, to second a person with the relevant competencies to act in a vacant post for a specified period or until such time that a suitable candidate has been appointed.

7.4.2 The relevant legislation, terms and conditions of service of that person shall apply.

7.4.3 The Municipality shall conclude a written agreement regarding the secondment with the national or provincial government, another municipality or any state organ as the case may be, and the staff member to be seconded, that specifies –

- (a) the party responsible for the costs of secondment;
- (b) the duration of the secondment, which shall not in each case exceed a period of twelve months;
- (c) the person to whom the seconded staff member shall report to;
- (d) the place at which the seconded staff member shall work; and
- (e) the new job description of the seconded staff member.

7.4.4 The Municipality shall inform the MEC responsible for local government of any such secondment and the terms and conditions associated with that secondment.

7.5 Acting appointment on a vacant post

7.5.1 An acting appointment may be made to a funded post in order to ensure that the disruption of services is minimised.

7.5.2 Unless indicated otherwise in the appointment to the acting post, a staff member of the Municipality who is acting in a higher post shall continue to perform the duties of the post that the staff member ordinarily occupies during the acting period.

7.5.3 A person acting in a higher post has no right or expectation to be appointed to that post.

7.5.4 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.

7.5.5 The appointment to act in a post shall be –

- (a) with the consent of the staff member;
- (b) in writing; and
- (c) authorised by the Municipal Manager or the person to whom this function is delegated.

7.5.6 The staff member appointed to act in a post shall have the requisite competencies to be able to perform the duties associated with the post.

7.5.7 In selecting a person to act in a post, the following shall be considered –

- (a) the relevant requirements of the post and that person's performance;
- (b) the Municipality's developmental needs; and
- (c) the Municipality's employment equity policy and plan.

7.5.8 A person may only be appointed in an acting position for a period not exceeding three months.

7.5.9 The Municipal Manager may extend the acting period for a further period of three months if the municipality has failed to attract suitable candidate and the vacant position must be re-advertised. Any further extensions made by the Municipal manager shall not exceed a period of nine consecutive months, where after the post shall be advertised and filled on a competitive basis.

7.5.10 The leave status of the acting staff member shall remain unchanged, though they shall not be allowed to take leave of absence unless:

- (a) it is an unplanned leave (e.g. sick leave); or
- (b) acting in a post where the permanent incumbent is on extended leave.

7.5.11 The acting staff member shall be informed about his or her performance during the acting period in line with the Performance Management and Development Policy.

7.6 Roles and responsibilities

The Municipal Manager or his / her delegated assignee(s) accept overall responsibility for the implementation and monitoring of the policy. The financial implications related to implementing this policy shall be qualified and quantified by Human Resource Management Unit.

8. POLICY MONITORING AND EVALUATION

- 8.1 This policy shall be implemented and effective once recommended by the Local Labour Forum and approved by Council.
- 8.2 Non-compliance to the stipulations contained in this policy shall be regarded as breach of Code of Conduct, which shall be dealt with in terms of the Code of Conduct.
- 8.3 Head of Corporate Services shall carry out the monitoring and evaluation of the policy's implementation.

9. POLICY APPROVAL

This policy was formulated by HR Management in consultation with the Local Labour Forum.

Authorised by Municipal Manager:

Signature:



Date: 30/07/2024

Recommended by Portfolio Committee
on Corporate Services:

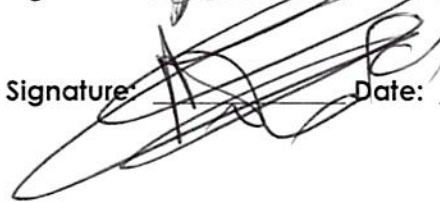
Signature:



Date: 30/07/2024

Approved by Municipal Council:

Signature:



Date: 30/07/2024